

This is an office consolidation of By-Law and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

ALSO SEE BY-LAW 156-08 permitting Apple Fest Signage

BY-LAW NUMBER 121-08 (As amended by By-Law 193-08)
(As amended by By-Law 186-09)
(As amended by By-Law 207-13)
(As amended by By-Law 135-16)
(As amended by By-Law 162-16)
(As amended by By-Law 164-16)

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To Prohibit and Regulate Signs and other Advertising Devices

WHEREAS pursuant to Section 10 (2) of the Municipal Act, 2001 S.O. c. 25, a single-tier municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS the County wishes to regulate signs within the County of Brant;

NOW THEREFORE the Council of The Corporation of the County of Brant enacts the following:

1. DEFINITIONS

The following words shall have the following meanings in this by-law:

- 1.1 “*abandoned sign*” means a *sign*, other than a *billboard sign*, located on *property* which becomes vacant and unoccupied for a period of ninety (90) days or more, or any *sign* which pertains to a time, event or purpose which no longer applies;
- 1.2 “*address sign*” means a *fascia* or *ground sign* on which the *copy* is limited to the name and address of a place, building, business, organization, *person*, or occupancy of the *premises* it identifies, but does not include the civic address post and plates provided by the *County* as defined in By-law 42-00;
- 1.3 “*advertising device*” means any device or object erected or located so as to attract public attention to any goods or services or facilities or events.
- 1.4 “*agricultural operation*” means an agricultural, horticultural or silvicultural operation.

- 1.5 “*alter*” means any change to the *sign structure* or the *sign face* with the exception of the repair and maintenance of a *sign*, and a change in *sign copy*.
- 1.6 “*awning*” means a structure, moveable or fixed, covered with fabric or like material attached and projecting from a building or structure, but not forming an integral part thereof and includes a canopy;
- 1.7 “*awning sign*” means a *fascia sign* with *copy* painted or affixed flat to the surface of an *awning* which does not extend vertically or horizontally beyond the limits of such *awning*;
- 1.8 “*banner*” means a *sign* or *advertising device* made from cloth, plastic or a similar lightweight non-rigid material;
- 1.9 “*billboard sign*” means an outdoor *sign* that advertises goods, products, or services that are not sold or offered on the *property* where the *sign* is located, and is either single faced or double faced;
- 1.10 “*boulevard*” means the grassed area within a *street*;
- 1.11 “*Committee*” means the Committee of Adjustment with respect to an application for a variance to the Sign By-law and means Planning Advisory Committee with respect to an application for an amendment to the Sign By-law;
- 1.12 “*construction site sign*” means a *sign* which identifies or provides information relating to or advertising the development or the construction of a building on the *property*, or identifies the contractor undertaking maintenance or repairs on the *property* on which the *sign* is erected;
- 1.13 “*copy*” means the graphic content of a *sign* surface in either permanent or removable letter, pictorial, symbolic, or numeric form;
- 1.14 “*Council*” means the Council of the Corporation of the County of Brant;
- 1.15 “*County*” means The Corporation of the County of Brant;
- 1.16 “*Development sign*” means a *sign* erected on a *property* where a development proposal has been formally made to the *County* and which provides information about the developer, the proposed uses and the anticipated completion date, but excludes *signs* contemplated under a development agreement;
- 1.17 “*Director*” means the Director of Development Services of the *County* or his designate;

- 1.18 “*election sign*” means a *sign* advertising or promoting the election of a political party or a candidate for public office in a federal, provincial, municipal election, or school board election or by-election or a *sign* regarding an authorized question on a ballot;
- 1.19 “*electronic message display*” means that part of a *ground sign* which is electronically controlled and which displays information at a pre-arranged sequence, and on which the intensity of illumination is maintained at a constant level but does not include a *sign* which displays a video-like moving image.
- 1.20 “*existing sign*” means an *advertising device* that was lawfully erected or displayed on the day this by-law comes into force and which is not substantially *altered*. For the purpose of this by-law maintenance and repair or a change in the message or contents does not constitute substantial *alteration*;
- 1.21 “*farm produce directional sign*” means a *sign* not permanently installed or affixed to the ground advertising the sale of *farm products*, that are both produced and sold by the owner or operator of the *agricultural operation*, on the premises of the *agricultural operation* but does not include a *billboard sign*, *fascia sign*, *ground sign*, *inflatable sign*, *portable sign*, *projecting sign* or *sandwich board sign*.
- 1.22 “*farm product*” means animals, meats, eggs, poultry, wool, dairy products, grains, seeds, fruit or fruit products, vegetables, vegetable products, maple products, honey, wood, nursery stock, or greenhouse crops.
- 1.23 “*fascia sign*” means a *sign* attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a *painted wall sign* and an *awning sign*. A *fascia sign* shall not include any other *sign* defined in this by-law unless otherwise stated;
- 1.24 “*frontage*” means the length of the *property line* of any one *property* parallel to and along each legally accessible public *street*;
- 1.25 “*grade*” means the average surface elevation of the finished ground where said ground is in contact with any building, *sign* or other structure;
- 1.26 “*ground sign*” means a *sign* directly supported by the ground without the aid of any other building or structure, which *sign* includes the

names of *owner(s)* and/or *tenant(s)* and address and/or advertises goods, products, services or events that are sold, offered, or provided on the *premises* on which the *sign* is located;

- 1.27 “*height*” means the vertical distance measured from the average elevation of the finished *grade* immediately below a *sign* to the highest point of the *sign* and includes any support structure;
- 1.28 “*home occupation identification sign*” means a *ground sign*, *fascia sign*, or *sandwich board sign* advertising a home occupation as defined in the *County Zoning By-law*, and for greater clarity does not include a *portable sign*;
- 1.29 “*incidental sign*” means a *sign* not otherwise defined in this by-law and may include but not be limited to, trespassing , safety or other warning sign, flags, on premise signs containing an informational message that has a purpose incidentally related to the use or occupancy of the *premises* or is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information, but is not an advertisement;
- 1.30 “*inflatable sign*” means a *sign* or *advertising device* designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable *advertising device*;
- 1.31 “*menu board sign*” means a *sign* erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business;
- 1.32 “*new home development sign*” means a *sign* which is not permanently installed or affixed to the ground and where the purpose of the *sign* is to direct attention to the sale of new homes;
- 1.33 “*official sign*” means a *sign* required by or erected under any statute or by-law or other directive of any federal, provincial or municipal government or agency thereof or any board or municipal service board or conservation authority and shall include but not be limited to, a permanent *sign* erected on a public road allowance 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, trailblazer signs, public transit shelter advertising, or advertising on furniture and fixtures; but shall not include *banners*;
- 1.34 “*open house directional sign*” means a temporary *sign* intended to direct traffic to a residence for sale or lease and where an open

house is being conducted, but shall not include a *new home development sign* or a *portable sign*;

- 1.35 “*overhanging sign*” means any type of *sign* attached to a building or structure which projects over a road allowance, but does not include signs permitted pursuant to Section 4.6 or to a *banner* approved by *Council* pursuant to Section 4.4(b);
- 1.36 “*owner*” means the registered *owner* of the *property* or *premises*, or the *person* or the *person’s* authorized agent in lawful control of a *premises*, building, occupancy, *sign* or other structure;
- 1.37 “*painted wall sign*” means any *sign* painted, applied as paint, or film or any other covering applied directly to any outside wall or other integral part of a building without the use of independent supports or frames;
- 1.38 “*person*” means an individual, business, firm, corporation, association or partnership and includes the *owner* or lessee of a *sign*, or his agent, the *person* having the use or major benefit of the *sign* and the registered *owner* of the *property* upon which the *sign* is situated, and with respect to a corporation includes a Director or officer of the corporation who knowingly concurs;
- 1.39 “*portable sign*” means a *sign* not permanently affixed to the ground and designed in such a manner as to be capable of being moved from place to place, and which is constructed so that the message or *copy* can be changed by manual, electronic or electro-mechanical means but does not include a *sandwich board sign*, *election sign*, *real estate sign*, *new home development sign*, *open house directional sign*, or *construction site sign*;
- 1.40 “*premises*” means a *property* or in the case of a *property* with multiple ownership or tenancy, *premises* means a single unit of ownership or tenancy on the *property*;
- 1.41 “*projecting sign*” means a *sign* attached to a building and projecting out horizontally from a building at a right angle to the building;
- 1.42 “*property*” means a parcel of land having specific boundaries which is capable of legal transfer;
- 1.43 “*property line*” means any boundary of a *property* or the vertical projection thereof;

- 1.44 “*real estate sign*” means a temporary *sign* installed, erected or displayed on a *property* for the notification that a building, *premises* or portion thereof on the same *property* is offered for sale, rent or lease;
- 1.45 “*roof sign*” means a *sign* supported entirely or partly by the roof of a building or structure and which *sign* projects above the roof;
- 1.46 “*sandwich board sign*” means a free standing *sign* erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition shall include *signs* commonly referred to as A-frame, T-frame, but shall not mean or include any other *sign* defined in this by-law;
- 1.47 “*sight triangle*” means a sight triangle as defined in the TAC Geometric Design Guide for Canadian Roads as amended from time to time;
- 1.48 “*sign*” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device* or notice and includes the *sign structure*, but does not include *signs* stored on the business *premises* of a *sign* manufacturer or contractor not being utilized as an *advertising device*;
- 1.49 “*sign face*” means that portion of a *sign*, excluding the *sign structure*, upon which, as part of, against or through which the message of the *sign* is displayed;
- 1.50 “*sign structure*” means anything used to support or brace a *sign face* and which is attached to the ground or a building or structure;
- 1.51 “*street*” means a public highway or public road under the jurisdiction of either the *County* or the Province of Ontario, and includes any highway as defined in the Municipal Act, 2001 but does not include a private right-of-way;
- 1.52 “*street line*” means the limit of the *street* allowance and is the dividing line between a *property* and a *street*;
- 1.53 “*unsafe*” when used with respect to a *sign* or *sign structure* means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;
- 1.54 “*video sign*” means a *sign* which displays a video-like moving image, but does not include an *electronic message display*;
- 1.55 “*zone*” means a designated area of land use as shown in the *County’s* Zoning By-law.

2. ADMINISTRATION

- 2.1 The *Director* shall be responsible for the administration of this by-law.
- 2.2 This by-law applies to all *property* in the County of Brant.
- 2.3 This by-law does not apply to *Official signs*.

3. INTERPRETATION

- 3.1 Words importing the singular number or the masculine gender only include more *persons*, parties or things of the same kind than one, and females as well as males and the converse.
- 3.2 A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 3.3 All words have their customary meaning, except these words specifically defined in Section 1 of this by-law.
- 3.4 The interpretation of the zoning by-law and the determination of the *zone* shall be made by the *Director*.
- 3.5 The requirements of the by-law are provided in metric units.
- 3.6 All measurements used in the by-law are subject to the normal rules of rounding numbers.
- 3.7 Where a distance is used in this by-law, as part of a sign location regulation, such distance shall be measured, in a straight horizontal line parallel to the ground; and
 - (a) where the specified distance is referenced from an intersection, shall be measured from the projection of the closest curb line of the intersecting highway, to the nearest part of said *sign*; and
 - (b) where the specified distance is referenced from a street line, property line, or other *sign*, object, structure or *property*, shall be measured from the nearest part of the said reference to the nearest part of any *sign*, in all directions.
- 3.8 Generic references to all by-laws, statutes and regulations are to be to the current edition as amended from time to time.

3.9 Schedule A, attached to this by-law forms part of this by-law.

4. GENERAL PROVISIONS

- 4.1 Except for an *official sign* or a *sign* otherwise permitted in this by-law or authorized by the *County*, no *person* shall erect or display, or permit the erection or display of a *sign* on, over, partly on or partly over a *street*.
- 4.2 Nothing in this by-law shall serve to permit any *sign* on a provincial highway or on a *property* that is fronting a provincial highway except subject to Ministry of Transportation requirements.
- 4.3 Where a *sign* is allowed on a *boulevard* as indicated in Schedule A to this by-law, no *person* shall erect, display or *alter* any *sign* or permit the erection, display or *altering* of any *sign*, except in accordance with the regulations as outlined in Schedule A.
- 4.4 No *person* shall erect, display or permit the erection or display of the following *signs*:
- (a) An *abandoned sign*;
 - (b) Any *banner* except a *banner* located within a public road allowance as approved by *Council*, erected for a maximum of two (2) occasions per calendar year for a maximum of 14 days per occasion subject to the requirements for *fascia signs* in Schedule A;
 - (c) A flashing or animated or *video sign*;
 - (d) Any sign with an *electronic message display*, without first receiving written confirmation from *County* staff indicating that there are no concerns that the proposed sign will obstruct or detract from the visibility or effectiveness of any traffic sign or signal.
 - (e) A *roof sign*
 - (f) A *billboard sign* unless permitted by Section 6 of this by-law;
 - (g) A *sign* located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an *unsafe* condition;
 - (h) A *sign* attached to, interfering with or obstructing the view of an authorized traffic sign, traffic signal, or *official sign*; or any *sign* capable of being confused with such a traffic sign, traffic signal or *official sign*;
 - (i) A *sign* located within a *sight triangle*;

- (j) An illuminated *sign* in any *zone* other than an Institutional, a Commercial, or an Industrial *zone*, except an illuminated *address sign* is permitted in any *zone*;
 - (k) An illuminated *sign* that directs light into a Residential, or Agricultural *zone*;
 - (l) A *sign* on a vehicle or trailer where the vehicle or trailer is used primarily as a *sign* and not as a vehicle or trailer;
 - (m) A *sign* supported by a tree, a bush or a shrub;
 - (n) A *sign* located within a required parking space as defined in the *County Zoning By-law*;
 - (o) A *sign* which conveys offensive, libelous or obscene words or images or a message that contravenes any law of Canada or Ontario;
 - (p) A *sign* which obstructs openings required for light, ventilation, ingress, egress or firefighting;
 - (q) A *sign* on a concrete or masonry noise attenuation wall;
 - (r) A *sign* where it constitutes a danger or hazard to the general public;
 - (s) A *sign* on any *property* without the *owner's* permission.
 - (t) An *overhanging sign*, except where the sign does not extend more than 30cm from the building face and is authorized by a permit pursuant to Section 5.
- 4.5 No *person* shall erect, display, *alter* or permit the erection, display, or *alteration* of a *sign* in a location, which may interfere with or damage any above or below ground municipal or utility services, which have been lawfully placed at the location.
- 4.6 Except for a *banner* authorized by the *County*, no *person* shall attach or permit the attachment of a *sign* to any pole, post, lamp post or other support standard upon a *street*, except in accordance with Section S of Schedule A. For the purpose of this section, the individual, organization, business entity, or the business *owner* or *property owner* at the location that is the subject of the advertisement, shall be deemed to have permitted the attachment of the *sign*.
- 4.7 Where a *sign* is erected pursuant to a development agreement, no *person* shall fail to maintain, or permit the failure to maintain the *sign*, erect, display or *alter* or permit the *sign* to be erected, displayed or *altered* except in accordance with the agreement.

5. PERMITS

- 5.1 *Overhanging signs* that do not extend more than 30 cm from the building face may be erected or *altered* in accordance with a permit issued pursuant to this Section.
- 5.2 The application for an *overhanging sign* permit shall include the following:
- (a) A site plan showing the *street line* and other boundaries of the *property* upon which it is proposed to erect or *alter* said *sign*, the proposed location of the *sign* in relation to other existing *signs* or structure and any other information that may be required. The *Director* may require such plans and information be certified by registered Ontario Land Surveyor.
 - (b) A copy of the complete working drawing and specifications to cover the construction and/or alteration of the *sign*, including any supporting framework. Sufficient data to determine that the building or structure can safely carry additional loads and stresses imposed by the erection or alteration of said *sign*. Drawing must include a description of the advertising and if the *sign* is to be illuminated, the means by which this is to be accomplished. The *Director* may require that said drawing bear the stamp of a registered professional engineer.
 - (c) Proof of Public Liability insurance in the amount of \$2,000,000.
- 5.3 A permit issued pursuant to Section 5.1 shall be valid for a period of six (6) months from the date of issue and shall remain valid provided the work covered by the permit is commenced before the expiry of the six (6) month period and so long as the work is carried on at a reasonable rate to completion.
- 5.4 A permit is renewable once without the need to resubmit the documents referred to in Section 5.2 or any further fee, provided a written request for renewal is submitted before the expiry of the six (6) month period and provided such permit would still be assumable.
- 5.5 A permit shall not be issued for any *overhanging sign* which does not comply with the Building Code Act, 1992 or the regulations for its specific *sign* type as set out in Schedule A.
- 5.6 Notwithstanding Section 5.1, above nothing in this by-law diminishes or relieves a *person* from the obligation to obtain any other permit that may be required, under any other law, such as, but not limited to;
- (a) A permit issued by the *County* under any by-law to allow any *sign* on or over any part of a *street* under the jurisdiction of the *County*;

- (b) A permit required by the Ministry of Transportation under sections 34 or 38 of the Public Transportation and Highway Improvement Act;
 - (c) A permit required by a conservation authority under section 28 of the Conservation Authorities Act;
 - (d) A permit required by the *County* under section 8(1) of the Building Code Act, 1992.
- 5.7 Where pursuant to Section 5.1, an *overhanging sign* is permitted, no person shall erect or *alter* or permit the erection or *altering* of an *overhanging sign* without a permit.
- 5.8 Where a permit for an *overhanging sign* has been issued, no *person* shall erect or *alter* or permit the erection, or *altering* of an *overhanging sign* that is not in accordance with the permit.

6. SIGNS – ZONE RESTRICTIONS

- 6.1 Except as otherwise restricted or prohibited by this by-law and subject to the regulations in Schedule A, the class of *sign* allowed by this by-law on any *property* shall be determined by the applicable *zone* of the *property*. For the purpose of this section, any community centre or recreation centre operated by the *County*, or any school or place of worship in an *Agricultural zone* or a *Residential zone* may erect *signs* as if the *property* was in an *Institutional zone*.
- 6.2 No *person* shall erect, display or *alter* or permit the erection, display or *alteration* of a *sign* on a property, unless the class of *sign* is permitted within the applicable *zone* of the *property* as indicated in section 6.3 to 6.7, inclusive.
- 6.3 *Signs* allowed in all *zones*:
- (a) *address sign*
 - (b) any *sign* required to be erected to fulfill a requirement of the Planning Act or any other statutory requirement
 - (c) *construction site sign*
 - (d) *development sign*
 - (e) *election sign*
 - (f) *farm produce directional sign*
 - (g) *incidental sign*
 - (h) *new home development sign*
 - (i) *open house directional sign*
 - (j) *real estate sign*
 - (k) *sandwich board sign*
- 6.4 *Signs* allowed in *Agricultural zones*:
- (a) *billboard sign* that abuts a provincial highway
 - (b) *fascia sign*

- (c) *ground sign*
 - (d) *home occupation identification sign*
 - (e) *portable sign*
- 6.5 Signs allowed in Residential zones, except Residential Mobile Home Park and Residential Trailer Park zones:
- (a) *home occupation identification sign*
- 6.6 Signs allowed in Commercial and Industrial zones:
- (a) *fascia sign*
 - (b) *ground sign*
 - (c) *inflatable sign*
 - (d) *menu board sign*
 - (e) *portable sign*
 - (f) *projecting sign*
- 6.7 Signs allowed in Institutional, Recreational, Environmental Protection, Residential Mobile Home Park and Residential Trailer Park zones:
- (a) *fascia sign*
 - (b) *ground sign*
 - (c) *portable sign*
- “6.8 Despite section 6.1 and 6.2, *billboard signs* are permitted on lands designated as Commercial, Employment or Industrial in the County’s Official Plan, provided the property fronts on an arterial or collector road as designated in the County Official Plan and subject to the regulations in Schedule A.”
- “6.9 No person shall erect, display or alter or permit the erection, display, or alteration of a *billboard sign* on a property, except as permitted by section 6.4 or 6.8 of this by-law.

7. REGULATIONS FOR CLASSES OF SIGNS

- 7.1 Where a *sign* is allowed in a *zone* as indicated in Section 6 of this by-law, no *person* shall erect, display, or *alter* or permit the erection, display or altering of any *sign*, except in accordance with the regulations as outlined in Schedule A.

8. PENALTIES AND ENFORCEMENT

- 8.1 Every *person* who contravenes any provision of this by-law is guilty of an offence and upon conviction is subject to the penalty provisions of the Provincial Offences Act.
- 8.2 Pursuant to section 436 of the Municipal Act, 2001, the *County* has the authority to enter onto *property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with. In addition, the *County* may require the production for inspection of documents relevant to the inspection, and upon providing a

receipt may remove documents for the purpose of making copies, may require information from any *person* concerning a matter related to the inspection, and alone or in conjunction with a *person* possessing special or expert knowledge, make examinations, and take tests, samples or photographs for the purpose of the inspection.

- 8.3 Pursuant to section 444 of the Municipal Act, 2001, where the *County* is satisfied that a contravention of the by-law has occurred, the *County* may make an order to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention, the location of the property, the date by which compliance is required and may require the removal of any *sign* erected in contravention of the by-law.
- 8.4 No *person* shall contravene an order issued under section 8.3 of this by-law.
- 8.5 Pursuant to section 446 of the Municipal Act, 2001, where a *person* is directed or required to do a matter or thing to come into compliance with this by-law, in default of it being done by the *person* so directed or required, the *County* may do the matter or thing at the *person's* expense, may enter onto *property* at any reasonable time to do so, and may recover the cost by action or by adding the cost to the tax roll and collecting them in the same manner as taxes. The amount of the costs including interest constitutes a lien on the *property* upon the registration in the proper registry office of a notice of lien.
- 8.6 Pursuant to section 63 of the Municipal Act, 2001, where a *sign* is erected or displayed on or near a highway, it may be removed, impounded or restrained, and immobilized and for that purpose the *County* may enter upon *property* at any reasonable time, without notice, and applies with necessary modifications.
- 8.7 Pursuant to section 99 of the Municipal Act, 2001, and subsection 170(15) of the Highway Traffic Act, all costs for the removal, care, and storage of a *sign* erected or displayed in contravention of this by-law is a lien on the *sign* that may be enforced under the Repair and Storage Liens Act. All costs and charges incurred for disposing of a *sign* may be recovered by the *County* as a debt owed by the *owner* of the *sign*.
- 8.8 Pursuant to section 4 of the Repair and Storage Liens Act, any *sign* removed pursuant to this by-law shall be stored by the *County* or an independent contractor. The storer has a lien against an article equal to the fair value of the storage. The storer shall within sixty (60) days give written notice of the lien to every *person* the storer knows or has reason to believe is the *owner* or has an interest in the *sign*. The notice shall contain a description of the article sufficient to enable identification, the address of the place of storage, the date that it was received and the name of the *person* from who it was received, a statement that a lien is claimed under the Act and a statement advising how the article may be redeemed. The storer has the right to dispose of the *sign* in accordance

with the provisions of Part III of the Act, upon the expiration of the sixty (60) day period following the day on which the amount required to be paid for the storage becomes due. The *owner* has the right to redeem the *sign* anytime prior to disposal upon payment of the amount required to satisfy the lien. The amount shall be calculated as follows:

- (a) the *County's* actual cost of removing the *sign*, plus
- (b) a storage charge of \$20.00 per day or part thereof, or \$2.00 per m² of *sign face* per day or part thereof, whichever is greater.

8.9 Pursuant to section 426 of the Municipal Act, 2001, no *person* shall hinder or obstruct, or attempt to hinder or obstruct, any *person* who is exercising a power or performing a duty under this by-law. A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection (1)

unless the *County* is acting under an order under section 438 or a warrant under section 439 or in the circumstances described in clause 437 (d) or (e).

8.10 None of the foregoing shall limit the *County* from enforcing the provisions of this by-law by any other action or remedy permitted in law.

8.11 Municipal Law Enforcement Officers appointed by the *County* are hereby authorized to enforce the provisions of this by-law.

9. Amendments and Variances

9.1 Under section 10 of the Municipal Act Council may grant amendments to this by-law where in the opinion of the Council, the general purpose and intent of the by-law and Official Plan is maintained.

Under section 45(3) of the Planning Act, *Council* may authorize the Committee of Adjustment to grant variances to the requirements of Schedule A of this by-law where in the opinion of the *Committee*, the general purpose and intent of the by-law and the Official Plan is maintained.

9.2 An application for amendment or variance shall be made on the appropriate form to the Director and shall be accompanied by the appropriate fee, as set out in the Fees and Charges By-law.

9.3 The *Director* shall prepare a report for the consideration of the *Committee*, setting out the reasons for the amendment or variance and including a recommendation to deny the request, to approve the request or to approve the request with modifications.

9.4 The *Director* shall notify the applicant once a hearing date before the *Committee* has been fixed and if the applicant does not attend at the

appointed time and place, the *Committee* may proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.

- 9.5 The *Director* shall circulate the application to *property owners* within 60 metres of the subject *property* and any agencies or departments that in the opinion of the *Director* may have an interest in the matter. The notice should describe the nature of the request and advise of the time and place of a hearing date.
- 9.6 At a public meeting the *Committee* shall consider the request of the applicant and shall consider the written or oral comments of any party who wishes to comment on the matter before making a decision on the requested relief.
- 9.7 In considering an application for amendment or variance, the *Committee* shall have regard for:
- (a) Special circumstances or conditions applying to the property, 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 property, 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 preexisting and not created by the *owner* or applicant; and,
 - (d) Whether the *sign* that is subject of the amendment, variance, or exemption will *alter* the essential character of the area.
- 9.8 For amendments, the Clerk of the municipality shall within 15 days of the *Committee's* decision advise the applicant and any party who submitted a written comment and/or spoke at the public meeting and who requested in writing to be notified of the Council Decision.
- For variances, the Secretary-Treasurer of the *Committee* shall within 10 days of the *Committee's* decision advise the applicant and any party who submitted a written comment and/or spoke at the public meeting and who requested in writing to be notified of the *Committee's* decision.
- 9.9 Only the applicant or any party who submitted a written comment and/or spoke at the public meeting may, within 20 days of the *Committee's* decision, file an appeal with the Secretary-Treasurer regarding a variance.
- 9.10 If no appeal is received the *Committee's* decision is final.

If an appeal is received concerning a decision of *Committee* on an amendment the Clerk shall place the matter on an Agenda for Councils consideration within six (6) weeks of the *Committee's* decision.

If an appeal is received concerning a decision of Committee on a variance the Secretary-Treasurer shall forward the appeal, the applicant's request, the Director's report and any correspondence received from neighboring property owners or interested agencies or department to the County Clerk and the Clerk shall place the matter on an Agenda for Councils consideration within six (6) weeks of the Committee's decision.

- 9.11 *Council* may uphold, vary or refuse the recommendations of the *Committee* or do any act or make any decision that it might have done, had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before *Council* and the decision of *Council* shall be final.

10. Special Provisions

- 10.1 535 Paris Road
LED Ground Sign

Notwithstanding any provision of this by-law to the contrary, an LED ground sign located wholly on private property known as 535 Paris Road, shall also be permitted, subject to the following;

- Maximum Sign Face Area of 18.58m²;
- Maximum Height of 7.0m;
- Maximum one (1) ground sign on the property;
- Hours of operation 6:00 a.m. until 10:00 p.m.;
- Minimum 5 to 7 second intervals between advertisements;

The sign face shall not shake, flash, or scroll. There shall be no commercial or videos/movies permitted to be run on the sign. First and third party advertising shall be permitted. All other requirements of the By-Law shall apply.

11. EXISTING SIGNS

- 11.1 Pursuant to subsection 99 (1) of the Municipal Act, 2001, this by-law does not *apply* to an *advertising device* that was lawfully erected or displayed on the day the by-law comes into force if the *advertising device* is not substantially *altered*, and the maintenance and repair of the *advertising device* or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial *alteration*. For the purpose of this section the onus of proof is upon the *person* claiming the *advertising device* was lawfully erected on the day of passage.

12. VALIDITY

- 11.1 If a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, it is the intention of *Council* that the remainder of the by-law shall continue to be in force.

13. REPEAL OF EXISTING BY-LAWS

12.1 All previous sign by-laws, including County of Brant By-law Nos. 267-03, 268-03, 269-03, 270-03, 215-04 and sections 6.1.4, 7.1.4. and Schedule A of By-law No. 261-03 and any amendments thereto are hereby repealed.

14. SHORT TITLE

13.1 This By-law may be referred to as the Sign By-law.

15. ENACTMENT

READ a first and second time, this 17th day of June, 2008.

READ a third time and finally passed in Council, this 17th day of June, 2008.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk

SCHEDULE A

Where permitted by Section 6 of this by-law, the following regulations apply to the erection of *signs*:

A. ADDRESS SIGNS

Where permitted by Section 6, the following regulations apply to *address signs*:

A-1 Number permitted
One (1) per *premises*

A-2 Location
No *address sign* shall be located closer than:
(a) 1.0m to a *street line*
(b) 1.0m to a *property line*

A-3 Maximum *height*
1.5 m

A-4 Maximum area per *sign face*
0.2m²

B. BILLBOARD SIGNS

Where permitted by Section 6.4, the following regulations apply to *billboard signs*:

B-1 Number permitted
One (1) per *property*

B-2 Location
No *billboard sign* shall be located, except in compliance with Ministry of Transportation guidelines and no closer than:
(a) 400.0m to a *street line*
(b) 25.0m to a *property line*.
(c) 1,000.0m to any other *billboard sign*

B-3 Maximum *height*
15.0m

B-4 Maximum area per *sign face*
150.0m²

Where permitted by Section 6.8, the following regulations apply to *billboard signs*:

B-5 Location

No *billboard sign* shall be located, except in compliance with Ministry of Transportation guidelines and no closer than:

- (a) 25.0m to a *street line*
- (b) 50.0m from any land designated residential in the Official Plan
- (c) 300.0m to any other *billboard sign*

B-6 Maximum dimensions of *sign face*

- (a) 12.2m width
- (b) 3m height

C. CONSTRUCTION SITE SIGNS

Where permitted by Section 6, the following regulations apply to *construction site signs*:

C-1 Number permitted

One (1) per *frontage*.

C-2 Location

No *construction site sign* shall be located closer than:

- (a) 3.0m to a *street line*
- (b) 1.0m to a *property line*.

C-3 Maximum *height*

4.5m

C-4 Maximum area per *sign face*:

6.0m²

C-5 Duration

A *construction site sign* shall not be erected on a *property* until all applicable Planning Act approvals are in place. A *construction site sign* shall be removed within sixty (60) days of the substantial completion of the project.

D. DEVELOPMENT SIGNS

Where permitted by Section 6, the following regulations apply to *development signs*:

D-1 Number permitted

one (1) per *frontage*.

D-2 Location

No *development sign* shall be located closer than:

- (a) 3.0m to a *street line*
- (b) 1.0m to a *property line*.

D-3 Maximum height

4.5m

D-4 Maximum area per sign face

6.0m² (Shall conform to minimum size as stipulated in development agreement).

D-5 Duration

Shall not be placed on the property until such time as a development agreement is signed, and shall be removed within sixty (60) days of the substantial completion of the project.

D-6 Other

A *development sign* shall only be erected on the *property* that is subject to the development that the *sign* refers to.

E. ELECTION SIGNS

Where permitted by Section 6, the following regulations apply to *election signs*:

E-1 Location

No *election sign* shall be located in the building or on the *property* or any voting place as defined in 5.48 of the Municipal Elections Act, or other statutes governing Provincial or Federal elections.

E-2 Location on a wall

An *election sign* which is a *fascia sign* may be affixed to the face of the building or building unit which is used as a candidate's campaign headquarters provided such *fascia sign* complies with the provisions of this by-law for a *fascia sign*.

E-3 Duration

For a municipal election, no *election sign* shall be erected before the candidate has filed all the required documents and payment of the nomination fee has been received. For all elections, all *election signs* shall be removed within two (2) days after the date of the election.

E-4 ELECTION SIGNS ON ROAD ALLOWANCES

Election signs may be placed on the portion of the street between
The travelled portion and the property line provided:

E-4.1 The election sign is not placed:

- (a) within 9 metres of an intersection
- (b) within 4.0 metres of the travelled portion of the street
- (c) within 2.0 metres of the shoulder
- (d) on a sidewalk of within 50 cm of a sidewalk
- (e) within a sight triangle
- (f) without the consent of the owner or occupant of the property whose frontage abuts the sign location
- (g) at a location that in the opinion of the Director of Roads or their designate, at their sole discretion, impedes the functionality of the street or impedes County maintenance activities

E-4.2 The size of the sign face does not exceed 1.5 m²

E-4.3 The height of the sign does not exceed 1.5 metres

F. FARM PRODUCE DIRECTIONAL SIGNS

Where permitted by Section 6, the following regulations apply to *farm produce directional signs*:

F-1 Number permitted per property

One(1) per *property* or frontage

F-2 Location

A *farm produce directional sign* may be erected on a *property* or a *boulevard*.

F-3 Maximum height

1.2m

F-4 Maximum area per sign face:

Maximum area of 1.2m²

F-5 Duration

Sign shall be displayed only for the period that the product is offered for sale.

G. FASCIA SIGNS

Where permitted by Section 6, the following regulations apply to *fascia signs*:

G-1 Number permitted

- (a) Agricultural zones: One (1) per *frontage*
- (b) Commercial and Industrial zones: Two (2) per *premises*
- (c) Institutional zones: One (1) per *premises*

G-2 Location

- (a) Agricultural zones:
A *fascia sign* shall only be permitted on a barn or agricultural building as defined in the zoning by-law
- (b) Commercial and Industrial zones:
On any wall, except a wall abutting a Residential zone.
- (c) Institutional zones: Front wall

G-3 Maximum area per sign face

- (a) Agricultural zones:
10.0m² or 10% of the wall area, whichever is lesser.
- (b) Commercial and Industrial zones:
10.0m² or 25% of the wall area, whichever is lesser, provided that not more than one (1) *fascia sign* is erected per 100.0m² of wall face, notwithstanding that building that does not have a wall face of at least 100.0m² may have one (1) *fascia sign* on a wall facing a *street*.
- (c) Institutional zones:
10.0 m² or 10% of the wall area whichever is less.

H. GROUND SIGNS

Where permitted by Section 6, the following regulations apply to *ground signs*:

H-1 Number permitted

One (1) *ground sign* is permitted per *frontage*.

H-2 Location

No *ground sign* shall be located closer than:

- (a) 1.0m to a *property line*.
- (b) 1.0m to a *street line*
- (c) 3.0m to a driveway
- (d) 5.0m to a *ground sign* on the same *property*

- (e) Where adjacent to any residential *zone*, no *ground sign* shall be permitted in a rear yard or in an interior side yard.

H-3 Maximum Height

7.5m

H-4 Sign Face Area

22.5m² including a maximum area of 3.5 m² for any *electronic message display*.

I. HOME OCCUPATION IDENTIFICATION SIGNS

Where permitted by Section 6, the following regulations apply to *home occupation identification signs*:

I-1 Number permitted

One (1) *home occupation identification sign* is permitted per *property*.

I-2 Location

No *home occupation identification sign* shall be located closer than:

- (a) 3.0m to a *property line*
(b) 3.0m to a *street line*
(c) No home occupation identification sign shall be erected in an interior side yard

I-3 Maximum height

1.5m

I-4 Maximum area per sign face

- (a) Agricultural zones: 1.5m²
(b) Residential zones: 0.5m²

J. INCIDENTAL SIGNS

Where permitted by Section 6, the following regulations apply to *incidental signs*:

J-1 Number permitted

Where the *copy* is substantially similar, One(1) per *property line* or one (1) every 50 m. where the *property line* exceeds 50 m.

J-2 Maximum area per sign face

0.4m²

K. INFLATABLE SIGNS

Where permitted by Section 6, the following regulations apply to *inflatable signs*:

K-1 Number permitted

One (1) per *property*

K-2 Location

No *inflatable sign* shall be located closer than:

- (a) 6.0m to a *street line*
- (b) 6.0m to a *property line*
- (c) a minimum of 6.0m from any driveway entrance and exit;
- (d) a minimum of 6.0m from any ground or *portable sign* on the same *property* or abutting *property*
- (e) a minimum of 92.0m measured in a straight line from a residential *property*;
- (f) a minimum of 50.0m from a traffic light standard

K-3 Maximum *height* and width of *sign*

6.0m

K-4 Duration of display

An *inflatable sign* shall not be erected for more than fourteen (14) days or on more than two separate occasions in any calendar year. *Inflatable signs* shall be used only for the business or uses currently on the *property* on which the *sign* is to be displayed.

K-5 All *inflatable signs* shall be properly secured.**L. MENU BOARD SIGNS**

Where permitted by Section 6, the following regulations apply to *menu board signs*:

L-1 Number, location, size, etc.

Menu board signs shall only be installed in compliance with a prevailing development agreement.

M. NEW HOME DEVELOPMENT SIGNS

Where permitted by Section 6, the following regulations apply to *new home development signs*:

M-1 Number permitted per property

One(1) per *property*

M-2 Location

No *new home development sign* shall be located closer than:

(a) 1.0m. to a *street line*

(b) 1.0m. to a *property line*

M-3 Maximum height

1.2m

M-4 Maximum area per sign face

Contain no more than two (2) *sign faces*, each *sign face* having a maximum area of 1.2m²

M-5 Duration

Sign shall be removed within 60 days of the completion of the development.

N. OPEN HOUSE DIRECTIONAL SIGNS

Where permitted by Section 6, the following regulations apply to *open house directional signs*:

N-1 Location

An *open house directional sign* may be erected on a *boulevard*.

N-2 Maximum area per sign face:

Contain no more than two (2) *sign faces*, each *sign face* having a maximum area of 0.3m².

N-5 Duration

Sign shall only be on display for the day the open house is being conducted.

O. PORTABLE SIGNS

Where permitted by Section 6, the following regulations apply to *portable signs*:

O-1 Number permitted

Two (2) per *property* with a minimum of 75m between them

O-2 Location

No *portable sign* shall be located closer than:

- (a) 5.0m to a Residential zone
- (b) 1.0m to any other *property line*
- (c) 1.5m of a sidewalk or *street line*, whichever is greater
- (d) 3.0m of a driveway entrance or exit
- (e) 15.0m of a traffic intersection
- (f) 9.0m of a *ground sign*
- (g) 9.0m of a ground sign or portable sign on an abutting *property*
- (h) No portable sign shall be permitted in a rear yard or in an interior side yard.

O-3 Maximum Height

2.5m

O-4 Maximum area per sign face

No more than two (2) *sign faces*, and each *sign face* shall have a maximum area of 6.0m².

O-5 Duration of display

Four (4) – thirty (30) day periods in any calendar year per *sign*, with a minimum thirty (30) day interval between each thirty (30) day permitted period.

O-6 Other

Every *portable sign* shall clearly display the name and telephone number of the *owner* or other *person* responsible for the erection, installation, maintenance and removal of the *sign*.

P. PROJECTING SIGNS

Where permitted by Section 6, the following regulations apply to *projecting signs*:

P-1 Number permitted

One (1) per *property*

P-2 Minimum Clearance

2.4m

P-3 Maximum area per sign face

4.0m²

Q. REAL ESTATE SIGNS

Where permitted by Section 6, the following regulations apply to *real estate signs*:

Q-1 Number permitted

- (a) Residential zone: One (1) per *frontage*
- (b) All other zones:
One (1) per *frontage* and one (1) additional *sign* for each addition 30.0m of *frontage*

Q-2 Location

- (a) Residential zones:
 - (i) 1.0m to a *street line*.
 - (ii) 1.0m to a *property line*
- (b) All other zones:
 - (i) 1.0m to a *street line*
 - (ii) 3.0m to a *street line* for a *real estate sign* greater than 4.0m²
 - (iii) 1.0m to a *property line*
 - (iv) 4.0m to an *real estate sign* on the same *property*

Q-3 Maximum Height

- (a) Residential zones: 1.5m
- (b) All other zones:
 - (i) 2.0m on a *property* smaller than 0.40ha
 - (ii) 4.0m on a *property* larger than 0.40ha
 - (iii) 6.0m on a *property* larger than 4.0ha

Q-4 Maximum area per sign face

- (a) Residential zones:
 - (i) 0.8m² on a *property* smaller than 0.40ha
 - (ii) 1.2m² on a *property* larger than 0.40ha
- (b) All other zones:
 - (i) 1.2m² on a *property* smaller than 0.40ha
 - (ii) 2.4m² on a *property* larger than 0.40ha
 - (iii) 6.0m² on a *property* larger than 4.0ha

Q-5 Duration

Sign shall be erected only for the duration of time that the property is offered for sale, rent or lease.

R. SANDWICH BOARD SIGNS

Where permitted by Section 6, the following regulations apply to *sandwich board signs*:

R-1 Number permitted
One (1) per *property*

R-2 Location

A *sandwich board sign* may be erected or displayed on private *property* or may be displayed or erected on a public sidewalk abutting the business or the untraveled portion of the road allowance and only in cases where it is not possible because of the size of the *property*, to locate a *ground* or *portable sign* entirely on the same *property* as the business:

- (i) Must front the business to which the *sign* relates to;
- (ii) Shall not be located within 3 metres of a driveway entrance;
- (iii) Be located as close to the face of the building as possible and maintain a minimum unobstructed sidewalk width of 1.5 metres where there is no suitable *boulevard* or untraveled portion of a roadway. Must sit back a minimum distance of .8 metres from the curb line or edge of the roadway;
- (iv) *Signs* must not be erected on any portion of the highway improved for pedestrian or vehicular traffic or in such a manner so as to obstruct a pedestrian crosswalk;
- (v) *Signs* must not be erected so as to obstruct a sight line at any intersection or driveway.

R-3 Maximum Size
1.0m in *height* and 0.5m. in width.

R-4 Maximum area per *sign face*
0.5m²

R-5 Duration
Shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.

R-6 Other

- (i) *Signs* must have permanently affixed thereto in a readily accessible location, the name, phone number and current business address of the *owner* of said *sign*.
- (ii) *Signs* must be designed to stay in place.

S. SIGNS ON POLES

Where permitted by Section 4.6 the following regulations apply:

- S-1** Nails, staples, or other puncturing fasteners shall not be used to secure *signs*.
- S-2** No *sign* or *sign* of similar content shall be displayed on any support standard for a period of time in excess of seven (7) days, except for *Farm Produce Directional Signs* which may be displayed for the period of time that the product is being offered for sale.
- S-3** The size of any *sign* must not exceed 22cm in width and 28cm in length and all *signs* must be posted so that the length of the *sign* is posted along the length of the pole.
- S-4** The *person* who posted the *sign* or caused the *sign* to be posted is responsible for the removal of the *sign* upon the expiration of the permitted period.
- S-5** The date posted and the name, mailing address, municipal address and phone number of the individual, organization or business entity that authorized the posting, must be clearly visible on the *face* of the *sign*, except in the instance of a yard sale or a *Farm Produce Directional Sign* where the date posted and the *property* address of the sale is deemed sufficient
- S-6** The *sign* is constructed of a pliable material. Other more durable materials such as corrugated plastic or press board are not permitted.
- S-7** Signs are not permitted on any traffic control sign standard, including but not limited to any stop sign, speed limit, or traffic signal standard.