

CITY OF ST. THOMAS

BY-LAW NO. 10-2018

A by-law to regulate the erection
and maintenance of advertising signs
and other advertising devices.

WHEREAS s. 10 of the Municipal Act, S.O. 2001, c. M. 25, as amended, authorizes the Council of a single tier Municipality to pass by-laws respecting a service or thing that the Municipality considers necessary or desirable for the public, including signs, and

WHEREAS s. 63 and 99 of the Municipal Act, S.O. 2001, c. M. 25, as amended, provides for the removal of object on or near highways and rules regarding the passage of by-laws related to signs;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. Definitions:

- a. *"any advertising signs on public property"* means; business related signs such as a-frame real estate, real estate advertising signs, a-frame advertising signs, during hours of business operation, and election related signs located on public property.
- b. *"banner sign"* means; an advertising device of cloth or cloth-like substance suspended by a rope or wire between two buildings or other supports.
- c. *"building frontage"* means; the distance measured at grade along a building wall that faces a street.
- d. *"canopy"* means; any non-movable building decoration, not supported by piers or pillars, which may be structurally part of the building.
- e. *"director"* means; the Director of Environmental Services and City Engineer or his/her designate.
- f. *"downtown area"* means; the area depicted in Schedule "A" to this by-law.
- g. *"electric sign"* means; a sign containing electric wiring and capable of being illuminated, but does not include a sign solely illuminated by a light source external and separate from the sign.
- h. *"electronic message centre sign"* means; that part of a sign which is electronically controlled and which displays information in a pre-arranged sequence and in which the intensity of illumination is maintained at a constant level.
- i. *"election sign"* means; a sign advertising or promoting the election of a political party or any candidate standing for public office.
- j. *"fascia sign"* means; a sign attached to a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such a wall.
- k. *"official sign"* means; a sign required by law or, in respect of publicly owned property, permitted by or erected as a result of a direction, decision or law of the elected representatives of the federal, provincial or municipal governments.
- l. *"owner"* means; a person, lessee or his or her authorized agent in lawful occupation or control of the premises, building, occupancy, sign or other structure or portion thereof under consideration and the purchaser of property under an agreement of sale from the owner.
- m. *"permanent advertising signs on private property"* means; business signs such as fascia signs, electronic message centre signs, awnings or canopies permanently attached to a building and pylon signs permanently installed with required concrete footings typically provided during the building permit process.
- n. *"portable changeable message board"* means; a mobile sign or portion thereof so constructed that the letters or numerals conveying the message thereon may be easily rearranged or changed but does not include an electronic message centre sign.
- o. *"property line"* means; the boundary line between two pieces of property.
- p. *"public property"* means; property owned by the government or one of its agencies, divisions, or entities. Commonly a reference to parks, playgrounds, streets, sidewalks, schools, libraries and other property regularly used by the general public.

- q. "private property" means; tangible and intangible things owned by individuals or firms over which their owners have exclusive and absolute legal rights, such as land, buildings, money, copyrights, patents, etc.
- r. "pylon sign" means; a freestanding structure with a custom single or multi tenant sign box supported by one or multiple steel poles (also may be referred to as ground or pedestal sign).
- s. "retail" means a business selling goods or providing services to the public.
- t. "rigid awning" means; a permanent sign affixed to a building, that may be illuminated.
- u. "road allowance" means; an allowance (normally 66 feet in width) for a road laid out by a Crown surveyor, including a road allowance shown on an original township survey and a road allowance included on a Crown plan of subdivision; and is the corridor of land reserved for roadway improvements and under the jurisdiction of the municipality.
- v. "sight triangle" means; a triangle at an intersection formed by the two roads or rights-of-way and a third line which must be kept clear of obstructions such as signs and hedges so that people in one road can see cars approaching on the other.
- w. "temporary advertising signs on private property" means; business related advertising signs such as portable changeable message boards, portable a-frame, real estate and other portable advertising signs.
- x. "building services" means; the City Chief Building Official or designate.

2. Temporary Advertising Signs on Private Property

- a. All signs in this category must conform to this By-law, the building code or any other applicable regulations and only be on private property and only be installed with written permission of the property owner,
- b. For liability purposes, all signs in this category are the sole responsibility of the owner and not the City of St. Thomas,
- c. All signs in this category must be regularly maintained in good condition by the owner at the discretion of the City of St. Thomas,
- d. For By-law enforcement purposes, all signs in this category that are not on private property are subject to removal by City staff at the owners expense,
- e. For each industrial, institutional, or commercial property, no more than one double sided temporary advertising sign is permitted,
- f. For each residential property, no more than one double sided special event sign (anniversary, birthday or retirement) is permitted to a maximum of 48 hours per premise.
- g. For every industrial, commercial, institutional, or residential property, one double sided real estate sign is allowed in addition to other temporary and permanent signs allowable through this By-law. These signs must be removed within 2 weeks of signing the agreement to sell the property.
- h. Each advertising sign in this section shall not be placed;
 - i. on a property downtown listed in **Schedule "A"** of this by-law,
 - ii. on a redeveloped property that is listed in **Schedule "B"** of this by-law,
 - iii. less than 1.5 m from a municipally owned sidewalk,
 - iv. less than 3 m from any driveway,
 - v. within a 15 m sight triangle at any intersection,
 - vi. on or over any right of way,
- i. Each advertising sign in this section shall not;
 - i. have a sign face area greater than 6 m²,
 - ii. be more than 4 m high,
 - iii. be animated,
 - iv. be illuminated,
 - v. be inflatable and exceed 12 m. in height.
- j. Temporary advertising signs may be allowed for up to 1 week in advance of significant events run by non-profit agencies by the Director or by the Site Plan Committee

3. Any Advertising Signs on Public Property

- a. Permanent advertising signs are not allowed on or over the road allowance except as noted in sections 3b, 3c, 3h, 3i, 3k, 3l
- b. Election signs may be erected or placed on a road allowance, but may not be placed on property leased or owned by the City,

- c. Signs which overhang a highway, street, sidewalk or other public place may be installed on behalf of the Downtown Development Board, as established in By-Law 20-85, as amended, within the downtown area depicted in Schedule "A" of this By-law subject to the following:
 - i. An application for a sign permit is required under the City's Building By-Law,
 - ii. This permission does not apply to Section 2 or 4 of this By-law,
 - iii. The location and size of all signs to be installed is subject to approval of the Director.
- d. Signs attached to, municipal fences, utility pole, trees or official signs and or posts are not allowed and will be removed at the owners expense (this does not include official signs),
- e. All signs in this category must be regularly maintained in good condition by the owner at the discretion of the City of St. Thomas,
- f. For liability purposes, all signs in this category are the sole responsibility of the owner and not the City of St. Thomas,
- g. For By-law enforcement purposes, all signs in this category that are not in compliance are subject to removal by City staff at the owners expense,
- h. For each retail business, no more than one A-frame advertising sign is permitted on the City sidewalk in front of each business, and only permitted during the hours of operation of the retail business,
- i. One real estate open house sign may be installed for up to 48 hours in advance of the event.
- j. No advertising signs of any sort may be placed on or adjacent to City park land or City owned open space.
- k. New development model home advertising signs may be placed temporarily on public property up to a maximum of 3 per location and must be removed immediately following model home closure.
- l. Temporary New Development directional signage may be placed temporarily on public property after receiving permission from the Environmental Services Department regarding location and must be removed immediately following completion of the development.
- m. Each allowable advertising sign in this section shall not be placed;
 - I. less than 3 m from any driveway,
 - II. within a 15 m sight triangle at any intersection,
 - III. on City sidewalks,
 - IV. on medians or traffic islands or roundabouts
- n. Each allowable advertising sign in this section shall not;
 - I. have a sign face area greater than 0.6 m²,
 - II. be more than 1.1 m high,
 - III. be animated,
 - IV. be illuminated.

4. Permanent Advertising Signs on Private Property

- a. All signs in this category must conform to this By-law, the building code or any other applicable regulations and not contain flashing lights, official sign images or have an arrangement of lights configured in traffic signal colours of red, amber and green,
- b. All signs in this category must apply for a permit through Building Services,
- c. All signs in this category must be regularly maintained in good condition by the owner at the discretion of the City of St. Thomas,
- d. All illuminated signs in this category must have been inspected by the appropriate electrical authority,
- e. For liability purposes, all signs in this category are the sole responsibility of the owner and not the City of St. Thomas
- f. Except as permitted in section 3.c., no sign, banner, canopy, marquee, rigid awning or other advertising device shall overhang a right of way, be nearer than one metre of an overhead cable or be installed within a sight triangle,
- g. No more than one double sided 10.67 m high pylon (ground or pedestal) sign having a sign face area of 9.29 m or less shall be erected per building frontage and per property, unless otherwise approved through Site Plan Control.
- h. Temporary new development signs may exceed the limitations in 4.g. at the discretion of Building Services.

5. Liability

- a. Every owner and occupant of the land is jointly and severally liable to ensure that the standards prescribed by the by-law are met.

6. Right of Entry

- a. For the purpose of ensuring compliance with the provisions of this by-law the Director, the Chief Building Official, an Inspector and any other person appointed as By-Law Enforcement Officer and/or acting under the instructions of the City may at all reasonable times, enter upon and inspect any land where advertising signs may not be in compliance with this by-law.

7. Penalty Provisions

- a. Where any type of temporary sign, is erected or displayed in contravention of this by-law, such sign may be pulled down or removed by the City in the manner provided in this by-law.
- b. Every person who contravenes any of the provisions of this by-law assumes liability and is subject to the cost of removal and storage of any signs.
- c. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.
- d. Where any person is directed or required by this by-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the *Municipal Act*.

8. Effective Date

- a. This By-law shall come into force and By-Law 6-2006 be repealed on February 1, 2018.

9. Schedules

Schedule "A" - The downtown area.

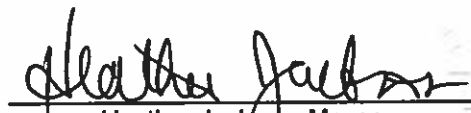
Schedule "B" - Municipal properties that may not install portable signs under the provisions of the site plan committee.

Read a first and second time this 22nd day of January, 2018.

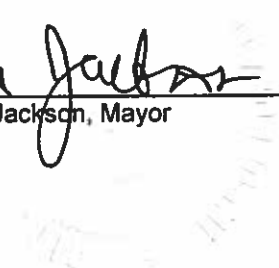
Read a third time and finally passed this 22nd day of January, 2018.



Maria Konefal, City Clerk

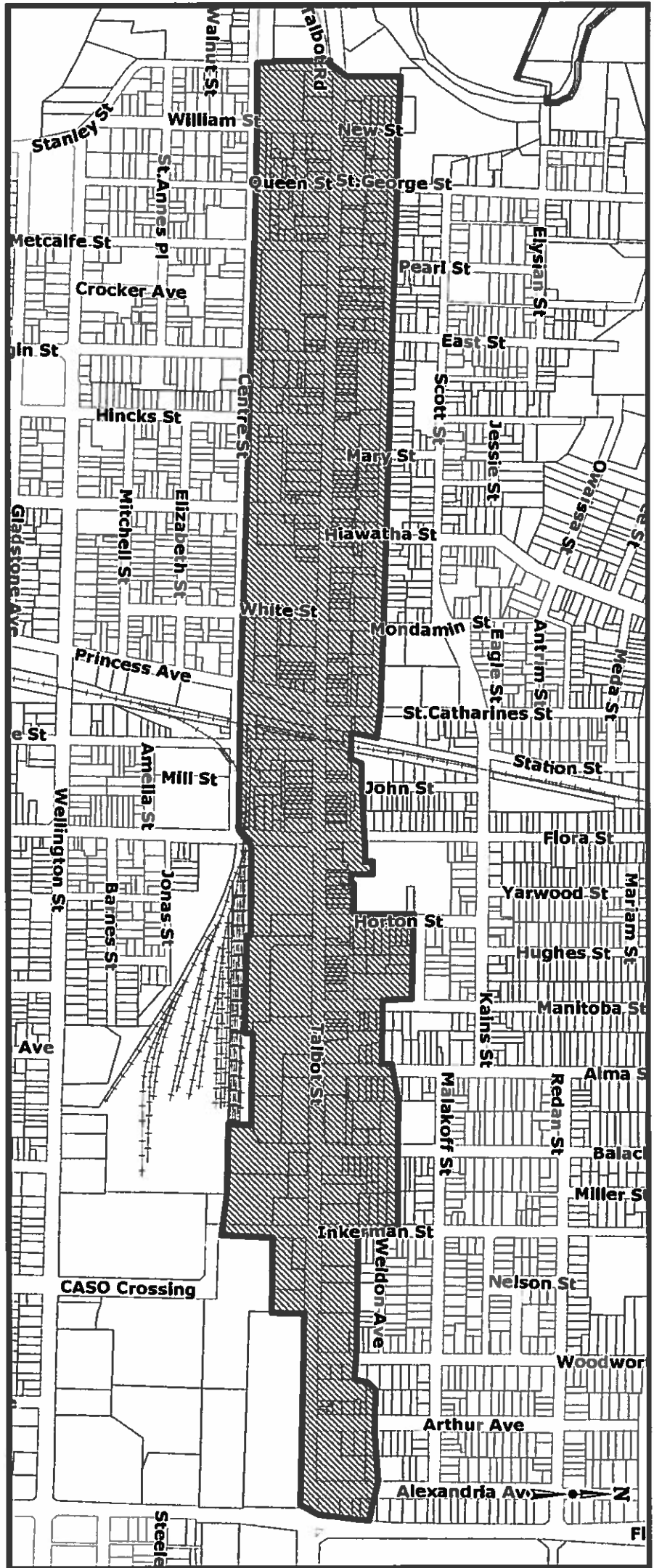


Heather Jackson, Mayor



SCHEDULE "A" TO BY-LAW NO 10-2018

The Downtown Development Board Area



SCHEDULE "B" TO BY-LAW NO 10-2018

Municipal properties that may not install temporary advertising signs
under the provisions of the site plan committee

Number	Name	Number	Name
16	Alexandria Avenue	69	Rickwood Place
24	Alexandria Avenue	43	Ross Street
6	Arthur Avenue	71	Ross Street
7	Arthur Avenue	177	Ross Street
11	Arthur Avenue	181	Ross Street
15	Arthur Avenue	212	Ross Street
120	Bill Martyn Parkway	40	Ross Street (Ross & Amelia) Water Tower
15	Bonnie Place	2	Second Avenue (2+4 Second Avenue)
160	Burwell Road	1	Silver Street
240	Burwell Road	84	Sinclair Avenue
2	Curtis Street	245	South Edgeware Road
146	Curtis Street	300	South Edgeware Road
34	Donker Drive	320	South Edgeware Road
99	Edward Street	397	South Edgeware Road
115	Edward Street	18	St. George Street
135	Edward Street	60	Stokes Road
245	Edward Street	5	Sunset Terrace
84	Edward Street (84+86 Edward Street) School	181	Talbot Street
60	Elm Street	191	Talbot Street
75	Elm Street	209	Talbot Street
185	Elm Street	218	Talbot Street
189	Elm Street	502	Talbot Street
274	Elm Street	904	Talbot Street
321	Elm Street	955	Talbot Street
436	Elm Street	979	Talbot Street
641	Elm Street	993	Talbot Street
380	Elm Street (380+388) Salvation Army	1014 1/2	Talbot Street
3	Erie Steet	1060	Talbot Street
5	Erie Steet	1063	Talbot Street
7	Erie Steet	1205	Talbot Street
239	Erie Steet	1207	Talbot Street
21	Fairview Avenue	1209	Talbot Street
77	Fairview Avenue	1222	Talbot Street
112	First Avenue	1227	Talbot Street
189	First Avenue	1259	Talbot Street
24	First Avenue (20 to 28 First Avenue) Mall	9445	Talbot Street
8	Forest Avenue	1231A	Talbot Street
9	Golding Place	86	Talbot Street - Talbot Trail
35	Harper Road	1028	Talbot Street (1028 to 1030 Talbot Street)
61	Harper Road	1200	Talbot Street (1200 to 1202 Talbot Street)
81	Harper Road	185	Talbot Street (185 to 189 Talbot Street)
53	Hiawatha Street (51+53 Hiawatha Street)	594	Talbot Street (594 to 604 Talbot Street)
282	Highview Drive	664	Talbot Street (664 to 669 Talbot Street)
345	Highview Drive	672	Talbot Street (672 to 718 Talbot Street)
44	Hincks Street	852	Talbot Street (852 to 858 Talbot Street)
55	Hincks Street	864	Talbot Street (864 to 874 Talbot Street)
41	Jonas Street	923	Talbot Street (923 to 929 Talbot Street)
14	Laing Boulevard	987	Talbot Street (987 to 989 Talbot Street)
351	Manor Road	999	Talbot Street (999 to 1009 Talbot Street)
380	Manor Road	1014	Talbot Street (Part of Brewers Retail)
11	Metcalf Street (11-19 Metcalf Street) Grand Central		Wellington and First Avenue
41	Mondamin Street	144	Wellington Street
4	Moore Street	170	Wellington Street
96	Moore Street	235	Wellington Street
20	Morrison Drive	295	Wellington Street
32	Park Avenue	296	Wellington Street
17	Pearl Street	400	Wellington Street
9	Princess Avenue	417	Wellington Street
15	Progress Drive	440	Wellington Street
25	Progress Drive	460	Wellington Street
45	Progress Drive	22	William Street
49	Progress Drive	91	Wilson Avenue (91 to 93 Wilson Avenue)
69	Progress Drive	20	Windemere Place
70	Progress Drive	139	Woodworth Avenue
76	Progress Drive		