

THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON

BY-LAW NUMBER 143-2003

**Being a by-law to regulate signs and other advertising devices in the
Corporation of the Municipality of Brighton**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, provides in Section 99, that Councils of local municipalities may pass by-laws respecting advertising devices and signs within the Municipality.

NOW, THEREFORE, the Council of the Corporation of the Municipality of Brighton **ENACTS AS FOLLOWS:**

PART 1 – TITLE, DEFINITIONS, SCOPE AND APPLICATION

1.1 TITLE OF BY-LAW

This By-law may be cited as the “Sign By-law for the Corporation of the Municipality of Brighton.”

1.2 DEFINITIONS

ALTER – shall mean any change to a sign structure or sign face, with the exception of a change in the message being displayed or repair and maintenance.

AWNING – shall mean a space frame system, moveable or fixed, covered with fabric or like material attached and projected from a building or structure but not forming an integral part thereof.

BOULEVARD – shall mean the public property lying between the traveled portion of the street and the street line.

BUILDING CODE – shall mean the Ontario Building Code Act, as amended from time to time, and includes any regulations thereunder.

BUILDING FAÇADE – shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet, wall or eaves and the entire width of the building elevation.

BY-LAW ENFORCEMENT OFFICER – shall mean the By-law Enforcement Officer appointed by Council of the Corporation of the Municipality of Brighton.

CHIEF BUILDING OFFICIAL – shall mean the Chief Building Official appointed by Council of the Corporation of the Municipality of Brighton as prescribed in the Ontario Building Code Act.

COUNCIL – shall mean the Council of the Corporation of the Municipality of Brighton.

ERECT – includes the placing of, arranging for the placing of, the renting of, or the leasing of a portion of a lot or highway for a sign.

HIGHWAY – shall have the same meaning as that word as defined in the Municipal Act.

LOT – shall mean a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act, R.S.O. 1990.

MUNICIPALITY – shall mean the Corporation of the Municipality of Brighton

PERSON – shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and any heirs, executors, successors, assigns or other legal representatives of a person to whom a contract can apply according to law.

SHOPPING CENTRE – shall mean a unified group of commercial establishments on a site designed, developed and managed as a single operating unit for which parking is provided in common off-street areas, as opposed to a business area comprising of unrelated individual commercial establishments.

SIGHT TRIANGLE – shall mean the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, as required in the applicable Comprehensive Zoning By-law. Where the two street lines do not intersect at a point, the point of intersection of the two street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

SIGN – shall mean and include any structure, device, or thing (and all parts thereof) which identifies, describes, promotes or advertises any building, person, place, product, business, service, enterprise, organization, event or thing in such a way as to be visible from a highway or lot.

SIGN AREA – means the area of the display surface upon, against, or through which the message or messages on the sign are displayed or illuminated and the area of a sign made up of individual letters, symbols or numbers and not the combined area of the individual letters, symbols or numbers. For the purpose of this By-law, any double-sided sign shall be deemed to have only one face, provided both faces are identical, contiguous, and parallel or diverging at an angle of not more than 15 degrees.

SIGN, ANIMATED - means a *sign* or advertising device which includes action or motion, moves in a revolving manner or contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of an animation or an externally mounted light source.

SIGN, AWNING - shall mean a wall *sign* supported entirely from the exterior wall of a building and composed of non-ridged materials except for the supporting framework.

SIGN, BANNER - shall mean a *sign* composed of lightweight material so as to allow movement which is caused by atmospheric conditions.

SIGN, BILLBOARD - shall mean a *sign structure* to which advertising copy is fastened in such a manner so as to permit its periodic replacement and which displays goods, products, services or facilities that are not available at the location of the *sign* and/or which directs or invites a *person* to a location different from that on which the *sign* is located.

SIGN, CANOPY - shall mean a *sign erected* as an integral part of an attached canopy or a freestanding canopy.

SIGN, CONSTRUCTION - shall mean a *sign* incidental to a construction project or a development located within the boundaries of the development or construction site.

SIGN, DEVELOPMENT IDENTIFICATION - shall mean a *ground sign* which identifies or draws attention to a group of businesses or *persons* located on the same *lot* as the *sign*. Such *sign* may or may not contain the names of individual businesses or *persons* on the *lot*.

SIGN, DIRECTIONAL - shall mean a *sign* erected for the public safety or one which provides directional information for the control of vehicular traffic such as an entrance or exit *sign* or a loading area, and bearing no commercial advertising. A directional *sign* may take the form of a *Ground sign* or *Wall Sign*.

SIGN, ELECTION - shall mean any *sign* which is used to promote a candidate and/or political identity during an *election* period using a *ground sign* within the Municipality.

SIGN, ELECTRIC SPECTACULAR - shall mean a *sign* that employs flashing, animated or intermittent illumination.

SIGN, GROUND - shall mean a free standing *sign* in a fixed location, which *sign* is wholly supported by uprights or braces attached to the ground, and shall include a pole or pylon *sign*.

SIGN, HOME IDENTIFICATION - means a *sign* which identifies by letters and/or numbers, the name of the occupants and/or *highway* address of the building on which *lot* the *sign* is located.

SIGN, HOME OCCUPATION – shall mean a *sign* for the identification of a home-based business.

SIGN, ILLUMINATED – shall mean any *sign* illuminated or lighted by any artificial means whatsoever, including direct, indirect, internal or external sources of illumination.

SIGN, INDUSTRIAL– shall mean a *sign* accessory to a permitted industrial use.

SIGN, INSTITUTIONAL– shall mean a *sign* accessory to a permitted institutional use.

SIGN, OFF-LOT – shall mean any *sign* which identifies or advertises a business, *person*, activity, good, product or service, which is not normally related to, or available at the *lot* where the *sign* is located.

SIGN, ON-LOT – shall mean any *sign* identifying or advertising a business, *person*, activity, good, product or service available at the *lot* where the *sign* is located.

SIGN, PORTABLE/MOBILE – shall mean and include any *sign* which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or a fixed foundation for its structural support.

SIGN, POSTER – shall mean an *on-lot* or *off-lot sign* which must be secured to another structure such as a utility pole or light standard for support and which is made out of paper or other biodegradable material and does not exceed 279 mm (11 inches) in length by 432 mm (17 inches) in width, (11" x 17").

SIGN, POSTURN – shall mean a *sign* made with a series of triangular vertical sections that turn and stop, or index to show two or more pictures or messages in the same area.

SIGN, PROJECTING – shall mean any *sign* attached to an exterior wall of a building and which projects horizontally to that wall.

SIGN, PUBLIC AUTHORITY – shall mean any *sign erected* for or at the direction of any Municipality or government authority, agency, board or committee for the purpose of providing information to the public concerning any proceedings by such agency, authority, board or committee.

SIGN, REAL ESTATE – shall mean a *sign* on a lot advertising the sale, rent or lease of the *lot* but shall not include *signs* which advertise new subdivisions or developments.

SIGN, READOGRAPH – shall mean a *sign*, other than a portable *sign*, composed of interchangeable letters.

SIGN, ROOF – shall mean any *sign* the face of which is above the level of the eaves or parapet of a building, and includes painted *signs* on roofing material.

SIGN, SANDWICH BOARD – shall mean a *sign*, which is *erected* or placed on, but not permanently anchored in the ground, with copy on either or both sides, and can be designed as a self-supporting ‘A’ frame type, or designed in a frame with legs that are inserted into the ground.

SIGN, SIGNATURE ENTRANCE – shall mean a permanent *ground sign* that is to promote and advertise the name of the subdivision, neighbourhood or community.

SIGN STRUCTURE – shall mean the supports and framework for a *sign*.

SIGN, WALL/FACADE – shall mean a *sign* attached in close proximity and parallel to any exterior wall.

SIGN, WINDOW – shall mean any *sign* located on the interior of a building, which is intended to be seen from off the lot on which the sign is located.

ZONING BY-LAW – means any by-law regulating the use of lands and the character, location and use of buildings and structures in the Municipality, and passed pursuant to the Planning Act.

1.3 SCOPE OF BY-LAW

The provisions of this By-law shall apply to all lands which are within the geographic boundaries of the Corporation of the Municipality of Brighton. No *signs* within the Municipality shall be *erected*, maintained or structurally *altered* except in conformity with the provisions of this By-law or applicable regulation, act or legislation.

1.4 PERMIT REQUIRED

No *person* shall *erect*, display, *alter*, repair or cause to be *erected*, displayed, *altered* or repaired, a *sign* in the Municipality unless a *sign* permit has been issued by the *Chief Building Official* or designate, unless the sign permit requirement has been specifically exempted by this by-law.

1.5 PERMIT EXEMPTION

- a) *Street signs* bearing only property numbers, street addresses, mailbox numbers, estate names or names of occupants of the premises and having a maximum size of 0.2 square metres (2.2 square feet).
- b) *Real Estate Sign (point of sale)*: The area of any one *sign* shall not exceed 0.6 square metres (6.5 square feet). Such signs shall be limited to a maximum of two signs per lot; shall be located on the subject property; shall not obstruct or interfere with the vision of vehicular or pedestrian traffic; and shall be removed within seven (7) days of a sale or lease completion.

- c) Signs advertising yard sales, garage sales, auctions and/or open houses: Such *signs* shall measure not more than 0.4 square metres (4.3 square feet) in area (each side); no more than two *signs* per *lot* shall be permitted for a period to not exceed five (5) consecutive days; shall be located on the private property of said event; and do not obstruct or interfere with the vision of vehicular or pedestrian traffic.
- d) Directional Signs: up to two directional *signs* per driveway access provided no *sign* is greater than 0.4 square metres (4.3 square feet) in *sign area*, and provided that the top of any directional *sign* is no higher than 1.5 metres (5.0 feet) above the finished grade at the *sign* location.
- e) Public Authority Signs: an official *sign* required or authorized by a recognized public authority.
- f) Memorial or commemorative signs or tablets, ground mounted or permanently attached or architecturally integrated to a building.
- g) Signs erected by a government or municipal agency to assist Commerce and the Tourist Trade, which have been approved by Council
- h) Flags, emblems or insignia used only for the identification of a nation, province, country, municipality, school, political or religious group.
- i) Displays consisting entirely of vegetative material.
- j) Construction Site Sign with an area not greater than 1 square metre (10.75 square feet) and is removed from the site within 30 days of the completion of the construction.
- k) Election Signs for Federal, Provincial, Municipal or School Board elections shall be in accordance with the Election Acts.
- l) Special Event Signs advertising special events of charitable or non-profit organizations provided that it is not greater than 3 square metres (32.3 square feet); no *signs* shall be erected more than thirty (30) days prior to the day of the event unless approved by *Council*; and the *sign* or *signs* shall be removed within forty-eight (48) hours after completion of the event.
- m) Crop signs. *Signs* that identify crops or signs that advertise the site of fresh farm products, provided that the maximum size of the *sign* is not more than 0.5 square metres.

1.6 PROHIBITED SIGNS

- a) Vehicles, trailers or other equipment permanently parked solely for the purpose of advertising the direction to or a place of business or an event;

- b) *Signs* that encroach on public property unless expressly authorized by the responsible public authority;
- c) *Signs* that endanger public safety by reason of their location or inadequate or improper construction or maintenance;
- d) *Signs* which obstruct or impede any flue, air, intake, fire escape, fire exit, door, skylight, exhaust or impede free access by firefighters to any part of a premises;
- e) *Signs* on public trees, public fence posts and on public utility poles.
- f) *Signs* which by their pictures, words or drawings are indecent or may tend to corrupt or demoralize.
- g) *Signs* which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any moving parts, visible mechanical movement of any description or other apparent movement achieved by electrical pulsations or by actions of normal wind current other than time or temperature.
- h) *Signs* which 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 which are located in a sight triangle.
- i) *Signs* which make use of words such as "Stop", "Look", "One Way", "Danger", "Yield", or any other similar words, phrases, symbols, lights, or characters in such a manner as to tend to interfere with, mislead, or confuse traffic and which are not erected by a Public Authority.
- j) *Signs* located so as to obstruct or impede any required 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 the building.
- k) *Signs* on or over public property or public right of way, unless erected and approved in writing by a government agency having jurisdiction.
- l) *Signs* painted on, attached to, or supported by a tree, stone, or other natural object or wooden utility pole.
- m) *Signs* painted on the exterior walls of any building, except as approved by Council.
- n) *Roof Signs* and *signs* erected in part or entirely above the surface of the roof of a building or structure.

- o) *Ground Sign* in excess of 2.40 metres in height within 15 metres of a traffic light.
- p) *Signs* attached to a projecting or freestanding canopy except canopy signs and soffit signs.
- q) Any obsolete *sign* which no longer advertises a business conducted, or a product sold at the *sign* location. Such obsolete *signs* shall be removed within 30 days of the closing of the business.
- r) *Signs* which obstruct a required parking space or utilize such parking space for purposes of locating a *sign*.

PART 2 - REGULATIONS

2.1 GENERAL

- a) No *signs* located within the municipal limits of the *Corporation* shall be located in such manner as to impede the view of any highway intersection or railway grade crossing or any ingress and/or egress from private or public property or where it may be confused with or impair the view of any authorized traffic sign, signal or device.
- b) No *Banner signs* shall be displayed across any street without the approval of Council, and upon approval, shall be installed by employees of the *Corporation* at a fee established by Council.
- c) Where the provisions of one portion of the By-law conflicts with any other provision of this By-law, the most restrictive requirement shall be used to establish the minimum requirement.

2.2 EXISTING NON-CONFORMING SIGNS

- a) 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.

2.3 SIGN MAINTENANCE

All *signs* are to be maintained in a proper state of repair so that such *sign* does not become unsafe, structurally unsound, unsightly or dangerous.

2.4 HEIGHT SPECIFICATIONS

- a) No *sign erected* above a pedestrian walkway shall be less than 2.4 metres (8 feet) above such walkway;
- b) The maximum height of a wall *sign* shall not exceed the height of the adjoining wall; and
- c) No part of any *ground sign* shall exceed in height a distance of 7.5 metres (25 feet) above the level of the ground at the base of the *sign structure*.

2.5 COMPLIANCE WITH SITE DEVELOPMENT AGREEMENTS

Where a Site Plan or Subdivision Agreement approved by the *Corporation* provides standards for *signs* and the *signs* for the development comply therewith, such *signs* shall be deemed to comply with this By-law.

2.6 SIGN ILLUMINATION

- a) No *sign erected* or displayed may be illuminated by remote fixtures not permanently fixed to the *sign* or *sign structure*.
- b) No illumination of a *sign* shall spill directly beyond the face of the *sign* or be a nuisance to neighbours or a hazard to public safety.

2.7 LIMIT ON NUMBER OF SIGNS

Except as otherwise provided herein, the maximum number of *signs* that may be *erected* shall be:

- a) One (1) *wall/facade sign* and one (1) *window sign* per business frontage; and
- b) One (1) only per business premises of another type of exterior sign, i.e., *awning, canopy, projecting or ground*.

2.8 GROUND SIGNS

The following regulations shall apply to all ground signs:

- a) *Ground signs* shall be set back a minimum of 1.0 m from all street lot lines.
- b) No ground sign shall exceed 5.0 m in any dimensions of the sign face.
- c) No more than one (1) *sign* shall be mounted to the supporting structure of any *ground sign*. Notwithstanding the foregoing, additions may be allowed to existing *ground*

signs provided that additions are of the same design, material and shape as the existing sign.

- d) No *ground sign* shall exceed a maximum height of 7.5 metres (25 feet) from the finished grade level at the base of the supporting structure of the said *sign*.
- e) *Ground signs* shall be setback a minimum of 1.5 m from any common lot boundary with an adjacent lot.
- f) A *ground sign* including any part of its structure shall not be located closer than 1.0 m to any driveway.
- g) No *ground signs* shall be erected where the distance between a structure and the street line is less than 4 m. One (1) *projecting sign* shall be permitted in lieu of a *ground sign* where such distance is less than 4 m.

2.9 WALL/FAÇADE SIGNS

- a) The maximum area of *wall/facade signs* shall be the lesser of fifteen (15) percent of the building façade to which it is attached or 9 square metres (96 square feet) or as approved by Council.
- b) No *wall sign* shall extend above the top of the roof surface.
- c) No *wall sign* or any part thereof, shall project more than 0.5 m from the wall upon which it is mounted.
- d) No *wall sign* shall extend beyond the extremities of the wall to which it is attached.

2.10 PROJECTING SIGNS

- a) A maximum of one (1) *projecting sign* may be *erected* or displayed on the side of the premises fronting on a *highway* or public thoroughfare and, in the case of premises with sides fronting on more than one *highway* or public thoroughfare, a maximum of one (1) *projecting sign* may be *erected* on each side.
- b) No *projecting sign* shall be more than 0.6 square metres (6.5 square feet) in size.
- c) Minimum height to bottom of *projecting sign* shall be 2.4 metres (8 feet) from finished grade.
- d) *Projecting signs* shall not project more than 1.2 metres (4 feet) from the face of building to which it is attached.

- e) No *projecting sign* shall be located closer than 5 metres (16.4 feet) to any other *projecting sign*.
- f) No *projecting sign* shall be illuminated internally.
- g) A *projected sign* shall not be constructed as a free-swinging sign.

2.11 PORTABLE/MOBILE SIGNS

- a) *Portable/Mobile signs* may only be erected for a specific period not to exceed thirty (30) days, at which time it shall be removed and not be replaced on the lot for ninety (90) days, from the date of its removal.
- b) *Portable/Mobile signs* may only be erected as *On-Lot signs*, and shall identify or advertise a business, *person*, activity, good, product or service available at the *lot* where the *sign* is located. Except as otherwise provided herein, *Portable/Mobile signs* may not be erected as *Off-Lot signs*
- c) No *portable/mobile sign* or any part of the *sign structure* shall be located less than 1 metre (3.2 feet) from any property line.
- d) No side of any *portable/mobile sign* shall have a gross area greater than 3 square metres (32.3 square feet);
- e) All *portable/mobile signs* shall be staked firmly to the ground by means of iron stakes and all wheels shall be off the ground;
- f) No more than one (1) *portable/mobile sign* shall be *erected* or *displayed* on a lot at any time;
- g) Each *portable/mobile sign* shall be on privately owned property and not on municipal property and must be maintained to the satisfaction of the Municipality.
- h) *Portable/Mobile signs* shall not be converted to permanent *Ground signs*.

2.12 SANDWICH BOARD SIGNS

Sandwich board signs are permitted on Corporation property provided that all of the following conditions are met:

- a) the *sandwich board sign* shall only be displayed during the time period when the commercial operation is open for business;
- b) a maximum of one (1) *sandwich board sign* per business shall be permitted in Core Area zones and three (3) per business in all other zones in the Municipality;

- c) *sandwich board signs* shall not be more than 0.6 metres wide and 1.2 metres in high (2' x 4') on each side;
- d) if placed on a sidewalk, the *sandwich board sign* shall occupy no more than one-third of the width of the sidewalk and not be located in the middle of the sidewalk so as to obstruct pedestrian movements;
- e) No *sandwich board sign* is to be located within any *sight triangle* as prescribed by the Zoning By-law; and
- f) the *sandwich board sign* owner shall provide to the *Chief Building Official* a certificate from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Municipality that the owner of the *sign* has public liability and property damage insurance in a minimum amount of one million (\$1,000,000.00) dollars and that the Municipality is shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy.

2.13 OFF-LOT SIGNS

No *off-lot sign* shall be *erected* in the Municipality except in lots zoned for industrial, commercial, rural or agricultural use. An *off-lot sign* shall only identify or advertise business operations located within the boundaries of the Municipality of Brighton. The following provisions shall apply:

- a) A maximum of three (3) *off-lot signs* may be erected or displayed on any one lot.
- b) A maximum of three (3) *off-lot signs* for any one business may be erected or displayed within the Municipality.
- c) All *off-lot signs* shall be located in line with the established building lines, or where no such line exists, shall have a minimum setback of three 3 metres (9.8 feet) from all property lines.
- d) No *off-lot sign* shall be located within a radius of 30 metres (98.4 feet) from another *off-lot sign*.
- e) No *off-lot sign* shall have an area greater than 9 square metres (96 square feet).
- f) *Off-lot sign* shall not be located closer than 15 metres (50 feet) from residentially-zoned lot.

2.14 BILLBOARD SIGNS

- a) The *billboard sign* shall not be located closer than 10 metres (32.8 feet) from any side yard lot line; 30 metres (98 feet) to a park, hospital, school or 100 metres (328 feet) from any residentially-zoned *lot*.
- b) *Billboard signs* shall be a minimum of 500 metres from another *billboard sign* and shall be a maximum in area of 28 square metres (300 square feet).
- c) Any *billboard sign* shall be a minimum of 100 metres (328 feet) from any municipal road.

2.15 SOFFIT SIGNS

- a) No portion of any soffit *sign* shall be less than 2.4 metres (8.0 feet) above the finished grade or be located above the first story of any building;
- b) No soffit *sign* shall have vertical dimension greater than 0.4 metres (1.31 feet) or have a horizontal dimension greater than 2.4 metres (8.0 feet).
- c) No soffit *sign* shall exceed 1 square metre (10.7 square feet) in *sign* area.

2.16 CANOPY SIGNS

- a) A *canopy sign* shall be designed as an integral part of the *canopy* fascia;
- b) No portion of any *sign* shall be less than 2.4 metres (8.0 feet) above the finished floor level immediately below such *sign*;
- c) *Canopy signs* shall only be located on the story having direct access to a street.

2.17 WINDOW SIGNS

- a) The maximum sign area of any window sign shall not exceed 25% of the area of the window in which the sign is located.

2.18 RESIDENTIAL SIGNS

- a) A maximum of one *sign* not exceeding 1 square metres (10.75 square feet) in area, advertising boarding, lodging on the *lot* on which the *sign* is located, provided such accommodation is not prohibited by the Municipality of Brighton Zoning By-laws, as amended; and
- b) A maximum of one *sign*, not exceeding one (1) square metre (10.75 square feet) in area, indicating the name of the apartment use on the property on which the *sign* is

located, provided such use is permitted by the current Zoning By-law(s), as amended, for the Municipality of Brighton.

2.19 HOME OCCUPATION/HOME INDUSTRY SIGNS

- a) A *home occupation/home industry* shall not exceed 1 square metre (10.75 square feet) in sign area; and
- b) A maximum of one (1) *home occupation/home industry sign* shall be permitted and shall be located in or on the property in which the home occupation is permitted.

PART 3 – ADMINISTRATION

3.1 CHIEF BUILDING OFFICIAL

The *Chief Building Official* or designate is responsible for the administration and enforcement of this By-law.

3.2 PERMITS

The *Chief Building Official* or designate shall issue a *sign* permit except where:

- a) The proposed *sign* or *sign structure* will not comply with this By-law, the *Ontario Building Code*, or any other applicable law; or
- b) The application is incomplete or any fees due are unpaid.

3.3 PERMIT APPLICATIONS

Applications for a *sign* permit shall be made to the *Chief Building Official* upon a form to be provided by the *Chief Building Official* which shall require the following information to be set out on or accompany such application:

- a) The name and address of the owner of the *sign*;
- b) The name and address of installing contractor, if different than owner;
- c) The name and address of the owner of the premises upon which the *sign* is located or to be located;

- d) Drawings, plans, and specifications showing:
 - i) The location or proposed location of the *sign* on the premises including its relation to any *highway* and *lot* line;
 - ii) The location or proposed location of all other *signs* on the premises for which a permit is required;
 - iii) The dimensions, construction supports, sizes, electrical attachments and character of structural members to which the attachment is made, together with such other engineering data certified by a duly licensed engineer or qualified professional, as the *Chief Building Official* may require;
- e) All permits as may be required by any other applicable government authorities such as Hydro One, Electrical Services Authority, the Ministry of Transportation and Lower Trent Conservation;
- f) The required fee;
- g) Such further and other information as the *Chief Building Official* may require in order to ensure that such *sign* will comply with the requirements of this By-law, the *Ontario Building Code* and any other applicable laws.
- h) The consent of the *person* in possession of the *lot* upon which the *sign* is located or to be located to permit entry upon the said *lot* by the *Chief Building Official* or designate for the purpose of inspecting the *sign* in accordance with Section 15 (6) of the *Ontario Building Code Act*, but nothing herein shall be construed to in any way limit or restrict the right of the *Chief Building Official* to enter upon the premises in accordance with the provisions of the *Building Code Act*, the *Provincial Offences Act*, or any other statutory authority.

3.4 VARIANCE

- a) Where a person can not comply with the provisions of this by-law, application may be made to Council for a variance to the provisions of the by-law.
- b) Application to Council for a variance shall clearly set out why the provisions of the by-law can not be met and shall be accompanied by the appropriate fee for a variance, as set out in Section 3.5. The fee is non-refundable.
- c) Council may, upon receiving the application for a variance from the provisions of the by-law, authorize such minor variances, provided, in the opinion of the Council, the general intent and purpose of the by-law are maintained.

3.5 PERMIT FEE

Each application for a *sign* permit shall be accompanied by a non-refundable fee payable to the Municipality in the amount of:

- a) Permanent *Sign*: \$30.00 basic administration
- b) Portable *Sign*: \$15.00, per 30 day period
- c) *Sandwich Boards*: *Sandwich Board* signs erected on private property are exempt from paying permit fees. *Sandwich Board* signs on public property will be charged a one-time administration fee of \$10.00.
- d) Variance \$100.00

3.6 CONSTRUCTION

All *signs* shall be constructed and inspected in accordance with the *Building Code Act*, S.O. 1992, c.23, as amended, by S.O. 1997, c. 30, Schedule B2.

3.7 SIGN REMOVAL OR ORDER TO REMOVE SIGN

- a) When a *sign* is erected or displayed in contravention of the provisions of this by-law, such sign may be removed immediately without notice, if located on, over, partly on, or partly over, property owned by the *Municipality*.
- b) When a *sign* is erected or displayed in contravention of the provisions of this by-law, and such sign is located on private property, the *Chief Building Official* or designate shall give a written Order to the owner or *person* in possession of the *lot* upon which a *sign* is located, to remove or repair such *sign* where it is not in compliance with this by-law.
- c) Upon receipt of the written Order, the owner of the *sign* or the *person* in possession of the *lot* upon which a *sign* is located, shall comply with the Order forthwith, or within such time as specified in the Order.
- d) Where the *Chief Building Official* determines that there is a potential risk of injury to persons or damage to property from a *sign*, an Order shall be given to the owner to remove or repair the sign within 48 hours.

3.8 ENFORCEMENT AND PENALTY

Subject to Part 3.6 of this By-law, if there has been no compliance with an Order, the *Chief Building Official* or designate may pull down or remove said *sign* at the expense of

the owner of the *sign*. The costs associated with pulling down and/or removal of the *sign* will be collected from the owner of the property on which the sign was located in a like manner as property taxes, or may be recovered by legal action.

3.9 VALIDITY

If any section, clause or provision of this By-law is for any reason declared by Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.

3.10 LIABILITY

The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any *person* who erects, displays, causes, permits or allows to be *erected* or displayed, any *sign*, for personal injury including injury resulting in death, or property damage resulting from such *sign* or from the employees, contractors or sub-contractors, in the construction, *erection*, maintenance, display alteration, repair or removal of any *sign erected* in accordance with a permit which is issued hereunder. Likewise, the provisions of this By-law shall not be construed as imposing on the Municipality, its officers, employees, servants and agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any *sign* or removal of any *sign*.

3.11 INDEMNIFICATION

The applicant for a permit for a *sign*, the owner and occupant of the lands and premises on which any *sign* is *erected*, shall be jointly and severally responsible to indemnify the Municipality, its officers, employees, servants and agents, from all loss, damages, costs, expenses, claims, demands, actions, suits or other proceedings, of every nature and kind arising from and in consequence of the construction, *erection*, maintenance, display, alteration, repair or removal of such *sign*.

3.12 OFFENCES/PENALTIES

Every *person* who:

- a) Knowingly furnishes false information in any application for a permit or any documents or plans accompanying such application for a permit under this By-law;
- b) Fails to comply with any notice, order, director or other requirement given in accordance with this By-law;

- c) Contravenes any provision of this By-law; and
- d) Any person, firm or corporation who causes or permits or allows any contravention of any of the provisions of this By-law is guilty of an offence and is liable upon conviction of such penalty as is authorized by the provisions of the Provincial Offences Act R.S.O. 1990, c.P.33, as amended from time to time.

3.13 REPEAL


The following By-laws within the Corporation of the Municipality of Brighton are here by repealed:

- a) The Corporation of the Town of Brighton By-law Number 1995-884
- b) The Corporation of the Township of Brighton By-law Number 95-1128

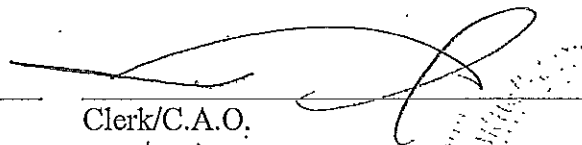
3.14 EFFECTIVE DATE

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

READ A FIRST AND SECOND TIME, read a third time and finally passed this
22nd day of April 2003.



Mayor



Clerk/C.A.O.

