

**THE CORPORATION OF THE
TOWNSHIP OF MICHIPICOTEN**

BY-LAW NO. 1353-00

BEING A BY-LAW to prohibit and regulate signs and other advertising devices.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210, Paragraph 146, provides that the council of every municipality may pass by-laws for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway;

NOWHEREFORE the Council of The Corporation of the Township of Michipicoten enacts the following as a By-Law:

SECTION 1.0—DEFINITIONS

1.1 In this By-Law:

- (a) “advertising device” means any device or object erected, located upon or affixed to property for advertising purposes;
- (b) “Chief Building Official” means the person so appointed and employed by The Corporation of the Township of Michipicoten to enforce this By-Law;
- (c) “illuminated sign” means any sign or advertising device illuminated by electric lamps, tubes or bulbs affixed to such sign or advertising device;
- (d) “sign” means any sign or advertising device, bulletin board, billboard, writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trade mark), whether illuminated or not, constructed wholly from wood, metal, plastics, glass, cloth or any combination thereof and secured to the side, front or rear walls of any building and is visible from outside a building or free standing on any property;
- (e) “street” includes street, boulevard, road allowance, square, park, bridge and any other public place.

SECTION 2—APPLICATION

- 2.1 No person shall erect, display, alter or repair a sign located within the Township of Michipicoten unless a permit has been obtained from and approved by the Chief Building Official.
- 2.2 No person shall within any residential zone use any building, structure or lot for the erection or display of any sign other than those listed and described in Schedule “A” of this By-Law.
- 2.3 The following signs shall not be subject to the provisions of this By-Law:
- (a) signs for regulating traffic or similar devices, legal notices or warnings at railroad crossings;
 - (b) signs in display windows including writing, representation, painting or lettering directly on the surface of any window or door, or other signs not affixed to the building interior;
 - (c) small signs displayed for the direction of the public including signs which identify rest rooms, freight entrances and such other similar directional signs;
 - (d) signs painted directly on a building;
 - (e) sandwich board signs less than three (3) feet in height and four (4) feet in width, located on private property and sandwich board signs less than two (2) feet in height and two (2) feet in width, located on municipal property;
 - (f) signs located outside Connecting Link Agreement and within MTO sign approval area; and
 - (g) incidental signs or other signs subject to Municipal Council approval.
- 2.4 A permit may not be issued to erect, display, alter or repair a sign unless an application has been approved by the Chief Building Official as being in conformity with the provisions of this By-Law.
- 2.5 (a) A change in the message displayed on a sign shall not in itself constitute an alteration so long as such sign continues to be erected in compliance with a permit issued under this By-Law provided the change in the message is not for a new business or a new owner.

- (b) The changing of movable parts of signs that are designed for changes, or the repainting of display matter shall not be deemed to be alterations.

SECTION 3—PERMIT APPLICATIONS AND DRAWINGS

3.1 Every applicant for a permit to erect or alter any sign shall file with the Chief Building Official:

- (a) an application for a permit upon the forms contained in Schedule “D”;
- (b) a plan or drawing to scale indicating the dimensions, the materials to be used in construction and the method of illumination;
- (c) the manner in which the sign is to be erected;
- (d) a site plan showing the street and property boundaries of the property upon which it is proposed; and
- (e) the proposed location showing all dimensions of such sign in relation to other structures, property boundaries and adjoining premises.

3.2 (a) A sign structure shall be designed by an architect or professional engineer where it is:

- (i) a ground sign which exceeds 7.5 m (24 ft, 7 in) in height above the adjacent finished ground;
- (ii) a projecting sign which weighs more than 115 kg (254 lbs); or
- (iii) any one face of a roof sign which exceeds 10 m² (108 ft²).

(b) A projecting sign shall not be attached or fastened in any manner to a parapet wall unless designed by an architect or professional engineer.

3.3 Every applicant for a permit under this By-Law and every person erecting a sign has an onus to ensure the sign or advertising device and all supports and attachments are made of materials of sufficient strength to withstand any external pressures and is maintained in a safe condition.

3.4 No permit shall be issued unless the Chief Building Official is satisfied that the proposed sign can be erected and maintained safely.

3.5 In addition to any of the requirements contained herein, in issuing a permit hereunder, the Chief Building Official may impose such terms or conditions to the permit as are necessary to ensure public safety or to ensure that the requirements of this By-Law are met.

3.6 Each applicant having obtained a sign permit must erect an approved sign within six (6) months from the date of issue of the permit otherwise the permit shall be void and shall be cancelled. When a permit is cancelled, the fee shall not be refunded.

SECTION 4—GENERAL

4.1 No sign shall be erected in such a manner where any portion of its surface or supports will interfere with the use of any fire escape, exit, window, ventilator, door, stairway, passage, sidewalk, street, lane, curb or highway.

4.2 No sign shall be erected in such a manner where any portion of its surface or supports will interfere with any work operation that may be associated with the installation, maintenance or reinforcement of a wire or cable of a telephone, cable or utility company.

4.3 Every applicant in whose name the permit is issued, the owner, lessee or agent of the property where the sign is erected has the onus to maintain said sign in a safe condition of repair at all times.

4.4 Every sign which extends over any street, land or public place shall be erected, placed and maintained in such a manner that the following table shall be adhered to:

There shall be a clear space from the level of the sidewalk, street, land or public place measured up to the lowest portion of the sign.	Cooresponding extensions over any sidewalk, street, land or public place shall not exceed the following, measured from the street line and at right angles thereto.
11 feet (3.35 metres)	6 feet (1.83 metres)
12 feet (3.66 metres)	8 feet (2.44 metres)
13 feet (3.96 metres)	10 feet (3.05 metres)

4.5 Any sign erected on posts shall maintain a minimum clearance of 1.5 metres (5 feet) between the base, which shall have a maximum height of 0.3 metres (3 feet), and the bottom of the sign.

4.6 No sign shall be located within side yards established by Zoning By-Law No. 385-85, as amended and set out in Schedule “C”, except for traffic directional signage, automobile service stations identification signs and any government services sign.

- 4.7 No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying, filing details with and obtaining the authorization of the chief building official.

SECTION 5.0—REMOVAL OF SIGNS

- 5.1 Where, in the opinion of the Chief Building Official, any sign is in a dangerous or defective condition, the Chief Building Official may, by notice of violation, require the owner, lessee or agent of the premises upon which the sign is located to remove, repair or replace the sign within such time as the Chief Building Official deems.
- 5.2 Upon receipt of such notice of violation from the Chief Building Official, the owner, lessee or agent of the premises upon which the dangerous or defective sign is located shall at once proceed to repair, remove or replace the sign.
- 5.3 If the owner, lessee or agent of such premises fails to repair, remove or replace said sign, the Chief Building Official may direct that such removal be done at the owner, lessee or agent's expense.

SECTION 6.0—UNLAWFUL SIGNS

- 6.1 The Chief Building Official may, by notice of violation, require any person who has erected and displayed or caused to be erected a sign without having first obtained a permit, to make such sign comply with this By-Law. Such signs must comply with this by-law within forty-eight (48) hours of receiving notice of violation.

SECTION 7.0—FEES

- 7.1 The fees to be charged for the issuance of permits as required in this By-Law are as set out in Schedule "B" of this By-Law.
- 7.2 Where a sign has been erected and displayed without the issuance of a permit approved by the Chief Building Official, the permit fees as set out Schedule "B" to this by-law shall be doubled.

SECTION 8.0—PENALTY

- 8.1 Where any person fails to comply with any notice of violation of the provisions of this By-Law, the Chief Building Official may cause the sign to be removed at the expense of the property owner, lessee or agent and the Township may recover the expense

incurred in doing it pursuant to the Municipal Act, R.S.O. 1990, Chapter M.45, Section 326.

8.2 Any person may appeal in writing a decision of the Chief Building Official on any matter contained herein to Municipal Council, and Municipal Council’s decision shall be final.

SECTION 9.0—REPEAL OF EXISTING BY-LAW

9.1 THAT Township of Michipicoten By-Law Nos. 1103-97 and 1143-97 be and are hereby repealed.

READ a first and second time this 1st day of August, 2000.

(SGD. J. AQUINO)
JAMES AQUINO, REEVE

(SGD. C. WRAY)
CHRIS WRAY, CLERK

READ a third time and be finally passed this 1st day of August, 2000.

(SGD. J. AQUINO)
JAMES AQUINO, REEVE

(SGD. C. WRAY)
CHRIS WRAY, CLERK

**Residential Zones
(R1, R2, R3 and R4)
(RM1, RM2, RA, RMH, RLS)**

Permitted Use of Signs

1. One (1) non-illuminated real estate sign advertising the sale, rental or lease of a building, structure or lot not exceeding 4 square feet in area.
2. One (1) non-illuminating non-trespassing, safety or caution sign not exceeding 2 square feet in area.
3. One (1) church bulletin board not exceeding 12 square feet in area.
4. One (1) sign related to a candidacy for a municipal, provincial or federal election provided such sign is removed within 48 hours following the holding of the election.
5. One (1) sign on a fence, boarding or barricade erected by the owner of the premises indicating the name of the contractors working on the premises.
6. One (1) temporary sign advertising a fundraising or other event of a civic, educational, philanthropic or religious nature provided such sign is removed within 48 hours of the event.

Permit Application Fees:

First square metre	\$30.00
Each additional square metre	7.00
Alterations	\$30.00

**NEW FEES
IN EFFECT**

MINIMUM YARD REQUIREMENTS

(as per Township of Michipicoten By-Law No. 385-85, as amended)

ZONE	SIDE YARDS
C1 – General Commercial	4.5 m*
C2 – Local Highway Commercial	3.0 m**
C3 – Highway Commercial	–
C4 – Waterfront Commercial	4.5 m*
M1 – General Industrial	3 m***
M2 – Restricted Industrial	4.5 m****
M3 – Extractive Industrial	15 m
I – Institutional	3 m
RU – Rural	1.2 m

* If abutting a Residential Zone only.

** If abutting a street, side yard shall be 3.5 metres.

*** If abutting Residential Zone, a minimum yard of 7.5 m required.

**** If abutting Residential Zone, a minimum yard of 15 m required.