

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 46-72

BEING A BY-LAW FOR PROHIBITING OR REGULATING SIGNS AND OTHER ADVERTISING DEVICES AND THE POSTING OF NOTICES ON BUILDINGS OR VACANT LANDS WITHIN THE CITY OF NORTH BAY.

WHEREAS The Municipal Act, R.S.O. 1970, Chapter 284 s.354(1) 126 authorizes the Council to pass by-laws for the purposes therein stated;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it advisable to enact the within by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The provisions of this by-law shall be applicable to and have full force and effect within the territorial limits of the Corporation of the City of North Bay.
2. For the purposes of this by-law and the annexed regulations:
 - (a) "CITY" shall mean The Corporation of the City of North Bay;
 - (b) "DIRECTOR" shall mean the Director of Planning and Works of the City;
 - (c) "SIGN" shall mean any sign, notice, advertising device, or device that is used to attract attention to premises, land, services, commercial or industrial products, or other real or personal property, whether it contains words or not;
 - (d) "FREE STANDING SIGN" shall mean a sign supported directly from the ground by a structure whose principal use is the support of the sign;
 - (e) "BANNER SIGN" shall mean a sign erected across a street;
 - (f) "FACIA SIGN" shall mean a sign whose major plane surface is parallel to the adjacent plane surface of the wall or other structure to which it is attached and/or which protrudes not greater than 12" from the wall to which it is attached;
 - (g) "PROJECTING SIGN" shall mean a sign other than a facia sign which is affixed to a building wall or structure;
 - (h) "ADVERTISING SIGN" shall mean a sign that advertises or identifies a product or service available or a business not conducted on the property where the sign is located;
 - (i) "BUSINESS IDENTIFICATION SIGN" shall mean a sign solely to name and identify the business conducted on that establishment or property. A Business Identification Sign may display only the registered or commonly used name or the registered trademark, or both, of the establishment. No other message, symbol or device shall appear on such signs.
 - (j) "INCIDENTAL SIGN" shall mean a name plate or sign relating to a lot or use thereof and designating accessory use, direction or identification;
 - (k) "TEMPORARY SIGN" shall mean a non-illuminated sign or notice which is not permanently mounted and which is intended for use over a period of time not exceeding three months duration and shall include election posters and real estate sales notices;

- (L) "ILLUMINATED SIGN" shall mean a sign having a source of light on or within it or a sign which has a source of light specially constructed so as to project light onto the sign;
 - (m) "AREA" of a sign shall be computed by multiplying the maximum width of the sign by the maximum height;
 - (n) " CONSTRUCT OR ALTER" a sign shall be construed to mean installation or alterations on the sign or its supporting structure other than routine maintenance but shall not include changes to any sign which is intended to convey varying messages;
 - (o) "STREET" shall mean the entire right-of-way from property line to property line.
3. (a) No person shall construct or alter a sign other than a temporary sign or incidental sign without first having obtained a building permit to do so;
- (b) All signs must conform to the regulations set out in Schedule "A" attached to and forming a part of this By-law.
4. Non-conforming signs are subject to all provisions for non-conforming uses and buildings in By-law No. 9-69 (The Zoning By-law) as amended from time to time.
5. Permits for all signs, other than facia signs overhanging the street in existence prior to this by-law must be procured on or before January 1, 1974.
6. (1) Every applicant for a permit for a sign shall file in the office of the Director a written application in triplicate on the form specified by the Director.
- (2) The application shall be signed by the owner or the authorized agent of the owner and by the occupant of the land or premises on which the sign is to be constructed or altered by the owner of the sign.
7. The Director may require the applicant to produce the following:
- (a) A block plan in duplicate showing the street lines, boundaries, and dimensions of the land on which the sign is to be constructed or altered and showing also the location of the sign with relation to any existing structures on the land and adjoining lands;
 - (b) A plan or drawing of the sign to scale in duplicate which shall show the dimensions, colours, front and side elevations of the building and sign and also the materials of which it is to be constructed, the method and the extent of illumination of the sign and shall also indicate the structure upon which and the method in which the sign is or is to be attached and such other details as the Director may require; the plan or drawing required by this paragraph shall be sufficiently detailed to permit the determination of whether the sign complies with the building by-law.
8. (1) The applicant for a permit for a sign shall, at the time the permit is approved, pay to the Corporation a fee of \$4.00 for each sign.
- (a) Section 8(1) shall not apply to permits for signs in existence prior to January 1, 1972.
9. (1) When the permit has been issued, the applicant for the permit shall, within twenty-four (24) hours after the sign has been constructed or altered, notify the Director in writing to inspect it and the Director shall inspect the sign without unnecessary delay.

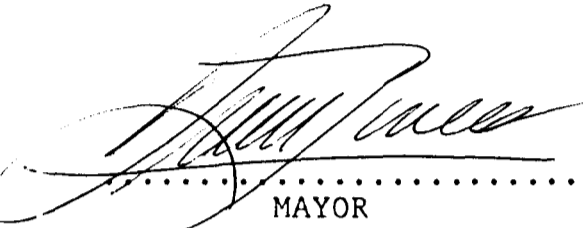
9. (2) If the sign does not conform in all respects with the particulars furnished in the application and supporting materials and with this by-law and the building by-law or if, in the opinion of the Director, the sign constitutes a danger to the public or an interference with traffic, he may require such alterations or additions to be made to the sign or its attachments or both, as will bring the sign into conformity with the permit and this by-law and the building by-law, or will remove the source of danger or interference and in default of such alterations and additions being made forthwith, the Director may have the sign and its attachments removed and the cost of removal may be recovered in the manner provided in Section 11.
10. (1) The applicant for a permit for a sign other than a fascia sign overhanging the street, and thereafter the owner or occupant of the land on which the sign is situate and the owner of the sign shall be jointly and severally liable to the Corporation for the following annual licence fees payable in advance:

| <u>AREA</u> | <u>ANNUAL LICENCE FEE</u> |
|---|---------------------------|
| Twenty five (25) square feet or less | \$4.00 |
| In excess of twenty-five (25) square feet but not in excess of fifty (50) square feet | \$6.00 |
| Fifty (50) square feet or greater | \$11.00 |

- (2) The licence fees upon issuance of the permit for signs which are in existence prior to this by-law and which overhang the street shall include a retroactive charge for the years from January 1, 1972, in addition to the fee assessable under Section 10(1).
11. (1) The charges, rates and expenses levied or incurred by the Corporation under the by-law shall form a charge or lien against the land on which the sign is situate until fully discharged by payment thereof.
- (2) Such annual charges, rates and expenses may be recovered by the Corporation by action as a debt or may be collected in the year in which levied or incurred or subsequent years in the same manner and with the same penalties as municipal taxes on real property.
- (3) A copy of an invoice for such charges, rates and expenses, together with a certificate by the City Treasurer that:
- (a) the invoice has been sent to the persons liable to pay the same;
 - (b) no payment or insufficient payment has been received in respect of the invoice; and
 - (c) payment of the invoice is overdue;
- shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the collector's roll.
12. (1) If the Council of the Corporation shall at any time decide that the privilege of continuing a sign should be terminated, it shall instruct the Director to notify the owner or occupant of the land on which the sign is situate of its decision.

12. (2) The Director shall, accordingly, notify the owner or occupant by prepaid registered post or by a notice posted prominently on the land of the decision of the Council, and forthwith after the sending or positioning of the notice, the sign shall be removed by the owner or occupant at his own expense.
- (3) If such owner or occupant fails to remove the sign within ten (10) days after the sending or posting of the aforesaid notice, or within such further time as the Council may allow, the sign may be removed by the Corporation at the expense of the owner or occupant, such expense to be recovered in the manner provided in Section 11, and until the sign is so removed the annual charges in respect thereof shall continue to be paid by the owner or occupant.
13. If an emergency situation arises where in the opinion of the Director a sign is a source of danger to the public or impedes traffic, the Director may cause the sign to be repaired or removed at the expense of the owner or occupant, such expense to be recovered in the manner provided in Section 11.
14. The applicants for a permit for a sign, the owner and occupant of the land on which the sign is situate, and the owner of the sign shall be jointly and severally responsible to indemnify the Corporation and each of its officers, servants and agents from all loss, damage, damages, costs, expenses, claims, demands, actions, suits or other proceedings arising by reason of negligence or without negligence on the part of the said applicants for a permit for the sign, the owner and occupant of the land on which the sign is situate and the owner of the sign or their respective contractors, officers, servants or agents and whether such loss, damage, damages, costs, expenses, claims, demands, suits or other proceedings are occasioned to or made or brought against the applicants for the permit for the sign, the owner and occupant of the land on which the sign is situate or the owner of the sign or their respective contractors, officers, servants or agents or the Corporation, its officers, servants or agents or any other person or persons, corporation or corporations.
15. The provisions of this by-law and the regulations annexed hereto as Schedule "A" do not apply to any signs erected by the Corporation and any signs which are wholly within a building.
16. Any person convicted of a breach of any provision of this by-law and the regulations annexed hereto as Schedule "A" shall forfeit and pay at the discretion of the convicting Judge, a fine or penalty not exceeding \$300.00 for each offence, exclusive of costs, recoverable under the Summary Convictions Act.
17. This by-law shall be read in conjunction with and be considered as complementary to :
- (a) The following Sections of By-law 907 of the former Township of West Ferris:
Sections 5.1.3, 5.1.3.1, 5.1.3.2, 5.4.7, 6.4 and 8.4;
- (b) Section 3(21) of By-law 1097 of the former Township of Widdifield;
- (c) The Zoning By-laws of The Corporation of the City of North Bay.
18. This by-law shall take effect from the date of passage by Council and shall come into force upon approval by the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THIS 17TH DAY OF APRIL, 1972
READ A SECOND TIME IN OPEN COUNCIL THIS 1ST DAY OF MAY 1972
READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
THIS 1ST DAY OF MAY, 1972.


.....
MAYOR

..... 
CITY CLERK

SCHEDULE "A" - REGULATIONS

THIS IS SCHEDULE "A" OF BY-LAW NO. 46-72 SETTING OUT THE REGULATIONS GOVERNING THE CONSTRUCTION AND ALTERATIONS OF SIGNS IN THE CITY OF NORTH BAY.

GENERAL

1. No person shall construct or alter a sign whose construction does not conform with the Building By-law, this By-law, these regulations, the permit in respect of the sign, and the supporting materials submitted with the application for the permit in respect of the sign.
2. No person shall construct, alter or continue any sign so that it is a source of obstruction or danger to the public or to traffic.
3. No person shall construct, alter or continue a sign so as to obstruct the sight of or free approach to and the use of any fire hydrant, sprinkler connection, fire alarm box, police call box, traffic signal box, street light, utility pole, manhole, catchbasin or waterworks valve chamber.
4. No person shall construct, alter or continue a sign except in conformity with the following specifications:
 - (1) No sign shall obstruct or interfere with the use of a fire escape or an adjacent fire escape.
 - (2) No sign shall be attached to any part of a fire escape.
 - (3) No sign shall obstruct any emergency exits from any building.
 - (4) No sign shall prevent the free access of firemen to any part of a building in case of fire.
5. No person shall hinder the free access at all times of the Corporation to any sign.
6.
 - (1) No person shall continue a temporary sign for a period of time in excess of three months duration from the date of construction.
 - (2) Temporary signs which are to be required for a period of time in excess of three months may be constructed upon obtaining a special permit from the Director which would indicate a terminating date for the use of the sign.
 - (3) All temporary signs shall be removed no later than seven days after the elapse of time set out in the permit.

TRAFFIC

7. No person shall construct or alter a sign which resembles wholly or in part any traffic control sign, signal or device.
8. No person shall construct or alter a sign so as to obstruct the sight of any traffic signal or traffic sign from any point from which it is intended to be seen.

ENCROACHMENT

9. No person shall construct or alter a temporary sign or the supporting structure of a free standing sign in the street unless or until an agreement with the City allowing such has been executed.
10. Subject to the provisions contained in Section 11, no person shall construct or alter a sign overhanging a street if such sign extends over the street a distance of more than eight (8) feet from the front property line.

SCHEDULE "A"(CONTINUED)

11. No person shall construct or alter a sign which is beyond a point two (2) feet from the nearside line of the part of the street intended for vehicular traffic.
12. (1) No person shall construct or alter a sign which overhangs a street if such sign projects beyond the vertical plane derived:
- (a) at the mid point of the frontage of the lot by applying the preceding regulations numbered 10 and 11;
- (b) at the side lot line of the property by using the point at which the side lot line intersects the front lot line.
- (2) No person shall construct or alter a sign which overhangs a street other than in a General Commercial (GC) zone under By-law 9-69 (The Zoning By-law) or amendments thereto of the City of North Bay.

HEIGHT

13. No person shall construct or alter a fascia sign on a building if the highest point of such sign is higher than the wall to which it is attached.
14. No person shall construct or alter a sign or any part thereof on the roof of a building.
15. No person shall construct or alter a sign other than a fascia sign overhanging a street which is within ten (10) feet of the surface of the street immediately below.
16. No person shall construct or alter a sign overhanging an area intended for vehicular traffic within fifteen (15) feet of the surface of the ground immediately below.

SIGNING ADJACENT TO SIDE LOT

17. No person shall construct or alter a sign other than a fascia sign adjacent to the side lot line of a property.
18. No person shall construct or alter signs adjacent to the side lot line of a property adjacent to a street with a total area in excess of that permitted on the front of the building.
19. No person shall construct or alter signs adjacent to the side lot line of a property adjacent to private property that occupies a distance from the front of the building to the rear of more than "N" feet from the front of the building where such distance is derived as:
- "N" = s minus f, where
- "s" is the distance from the edge of the building to the adjacent side property line;
- "f" is the setback of the building from the front property line.
20. No person shall construct or alter signs adjacent to the side lot line of any property adjacent to an area zoned Residential, Residential Multiple, or Open Space under By-law 9-69 (The Zoning By-law) of the City of North Bay; R-1, R-2, R-3, R-4, R-5, S, G or B under By-law No. 1097 of the former Township of Widdifield, R-1, R02, R-3, O, or A under By-law No. 907 of the former Township of West Ferris.

RESIDENTIAL ZONES

21. No person shall construct or alter a sign in an R-1, R-2, R-3 or RM-1 zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay; R-1, R-2, R-3 or S of By-law 1097 of the former Township of Widdifield, or R-1 and R-2 of By-law No. 907 of the former Township of West Ferris other than:
- (1) non-illuminated freestanding or facia business identification sign or incidental sign with a total area not in excess of one (1) square foot;
 - (a) non illuminated facia or freestanding business identification sign, the total area of which shall not be in excess of twelve (12) square feet in an area within these zones used for institutional purposes.
 - (2) temporary signs with a total area not in excess of twelve (12) square feet.
22. No person shall construct or alter a sign in an RM-2, RM-3, RM-4, RM-5 or RM-6 zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay; R-3 and R-4 of By-law No. 1097 of the former Township of Widdifield or R-3 of By-law No. 907 of the former Township of West Ferris other than:
- (1) non-illuminated facia or freestanding incidental or business identification sign with an area not in excess of twelve (12) square feet;
 - (a) non-illuminated facia or freestanding business identification sign with a total area not in excess of twelve (12) square feet in an area within these zones used for institutional purposes.
 - (2) temporary signs with an area not in excess of twelve (12) square feet.

COMMERCIAL ZONES

23. No person shall construct or alter a sign in General Commercial (GC) zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay other than:
- (1) facia signs on the front of the building with a total area not in excess of three times the frontage of the building;
 - (2) facia signs on the side of the building with a total area not in excess of three times the length permitted in accordance with Regulation 19 of this by-law;
 - (3) either one projecting sign with an area not in excess of fifty (50) square feet or one free standing sign with an area not in excess of seventy (70) square feet;
 - (4) incidental signs are to be considered as part of the above;
 - (5) temporary signs with an area not in excess of twelve (12) square feet;
 - (6) banner signs when permitted by Council
24. No person shall construct or alter a sign in a Neighbourhood Commercial (N C) Zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, C-1 of By-law No. 1097 of the former Township of Widdifield, or NC of By-law No. 907 of the former Township of West Ferris other than:
- (1) facia signs on the front of the building with a total area not in excess of three times the width of the building;
 - (2) incidental signs are to be considered as part of the above;
 - (3) one temporary sign with an area not in excess of twelve (12) square feet;
 - (4) no illuminated sign shall remain illuminated between 12 o'clock midnight and 7:00 A.M. unless the business to which it relates is open.

25. No person shall construct or alter a sign in a Highway Commercial (HC) zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, R-6, C-3, C-4 or M-1 of By-law No. 1097 of the former Township of Widdifield or GC, H and TC-1, H and TC-2, H and TC-3 of By-law No. 907 of the former Township of West Ferris other than;
- (1) facia signs on the front of the building with a total area not in excess of three times the width of the building;
 - (2) one free standing sign with an area not in excess of one hundred (100) square feet;
 - (3) facia signs on the side of the building with a total area not in excess of three times the length permitted in accordance with Regulation 19 of this By-law;
 - (4) incidental signs are to be considered as part of the above;
 - (5) one temporary sign with an area not in excess of twelve (12) square feet.
26. No person shall construct or alter a sign in a district Commercial (DC) zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, or C-2 of By-law No. 1097 of the former Township of Widdifield other than:
- (1) facia signs on the front of the building with a total area not in excess of three times the width of the building;
 - (2) facia signs on the side of the building with a total area not in excess of three times the depth of the building;
 - (3) incidental facia signs to be considered as a part of the above;
 - (4) incidental free standing signs with an area not in excess of four (4) square feet;
 - (5) one free standing sign per lot, with an area not in excess of one hundred & fifty (150) square feet.

INDUSTRIAL ZONES

27. No person shall construct or alter a sign in an IC-1, IC-2 or IC-3 zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, or M-1 or M-2 of By-law No. 1097 of the former Township of Widdifield, or Industrial (1) zone of By-law No. 907 of the former Township of West Ferris other than:
- (1) one facia sign with an area not in excess of one and one half (1 1/2) times the width of the building;
 - (2) one free standing sign with an area not in excess of twelve (12) square feet and the height of which shall not be in excess of eight (8) feet;
 - (3) non-illuminated incidental signs as required but with an area not in excess of two (2) square feet;
 - (4) temporary signs with a total area not in excess of thirty-two (32) square feet.

OPEN SPACE ZONES

28. No person shall construct or alter a sign in an Open Space (O) zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, Green Open Space (G) of By-law No. 1097 of the former Township of Widdifield, or Open Space (O) of By-law No. 907 of the former Township of West Ferris other than:
- (1) non-illuminated facia signs with an area not in excess of sixteen (16) square feet on property within this zone which is privately owned;

OPEN SPACE ZONES (Cont'd)

- (2) non-illuminated free standing signs with a total area not in excess of sixteen (16) square feet on property within this zone which is privately owned;
- (3) non-illuminated incidental signs as required but with an area not in excess of two (2) square feet and only on property within this zone which is privately owned;
- (4) temporary signs with a total area not in excess of thirty-two (32) square feet on property within this zone which is privately owned.

RURAL ZONES

29. No person shall construct or alter a sign in a Rural (RU) zone under By-law No. 9-69 (The Zoning By-law) of the City of North Bay, Bush (B) of By-law No. 1097 of the former Township of Widdifield, or Rural (A) of By-law No. 907 of the former Township of West Ferris; or which is not within the planning areas of these three by-laws unless or until the sign conforms to the physical regulations of the Department of Highways which are in effect at that time.

ADVERTISING SIGNS

30. No person shall construct or alter an advertising sign other than in the General Commercial zones incorporated in Regulation 23 of this by-law; the Highway Commercial zones incorporated in Regulation 25 of this by-law; or Industrial zones incorporated in Regulation 27 of this by-law; and then only in conformity with the following conditions:

- (1) the lot where the sign is to be located is vacant;
- (2) the sign is manufactured from non-combustible materials;
- (3) the setback requirements for buildings under the applicable zoning by-law are maintained except where a General Commercial zone, Highway Commercial zone or Industrial zone abuts a Residential or Open Space zone the setback required from the zone boundary shall be a minimum of fifty (50) feet;
- (4) the following requirements are met:

| <u>Lot Frontage</u> | <u>Max. Number of Panels</u> | <u>Max. Dimensions of Sign</u> |
|---------------------|------------------------------|--------------------------------|
| 0' - 50' | 0 | 0' x 0' |
| 50' - 100' | 1 | 11' x 25' |
| 100' - 150' | 2 | 11' x 50' |
| Over 150' | 3 | 11' x 75' |

LEGAL NON-CONFORMING LAND USE

31. The regulations applicable to signing for a legal non-conforming land use shall be the regulations that would apply if the existing non-conforming land use were a conforming land use.