THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 25-97

BEING A BY-LAW TO RESTRICT AND REGULATE SIGNS AND OTHER ADVERTISING DEVICES, INCLUDING POSTING OF NOTICES ON PUBLIC PROPERTY WITHIN THE CITY OF NORTH BAY

WHEREAS Section 210 of The Municipal Act, R.S.O., 1990, subsection 146 to 149, Chapter M45, as amended, authorizes the Council to pass By-laws regulating signs and other advertising devices;

AND WHEREAS to further this objective Council passed By-law No. 152-79 being a By-law to regulate signs and other devices;

AND WHEREAS Council deems it desirable to pass a By-law regulating signs for the purpose of avoiding traffic hazards, unsightly appearance and maintaining aesthetic and architectural integration of all City streetscapes and abutting properties;

AND WHEREAS Council deems it desirable to pass a By-law regulating postering, and in so regulating seeks to balance a reasonable opportunity for expression through postering with the public interest in maintaining safety, litter control, and preventing visual blight in relation to the placement of posters;

AND WHEREAS Council deems it desirable to pass a By-law to facilitate such reasonable opportunities for the placement of posters within the Downtown Improvement Area of the City as are in concert with the City's objective of providing a safe, attractive, and litter-free Downtown Improvement Area;

AND WHEREAS Council has ensured adequate notice has been given.

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

SHORT TITLE:

This By-law shall be known and cited as the "Sign By-law".

1.0 DEFINITIONS

1. In this By-law:

1.1 "Abandoned Sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, or for which no legal owner can be found.

1.2 "Alter" means any alteration to the supports or structure of a sign, but does not include any alteration to the message, advertisement or emblem thereon, provided that such alteration does not comprise an alteration to the structure or support of said sign.

1.3 "Animated Sign" means a sign that, whether by mechanical and/or electrical means, is set in motion or appears to be set in motion, which fixture is an integral part of the construction of said sign, and shall include signs that project any moving or changing image.

1.4 "Area" means the area of a sign computed by multiplying the maximum width of a sign by the maximum length of that sign.
1.5 "Awning/Canopies" means a retractable or fixed rooflike cover of canvas or other suitable material extending over a doorway or window on which a sign may be placed.

1.6 "Billboard" means a sign that advertises or identifies a product or service available, or a business not conducted on the property where the sign is located.

1.7 "Building Street Frontage" is defined as the linear measurement of the building face that runs parallel to a public street.

1.8 "City" means the Corporation of the City of North Bay.

1.9 "Council" means the Council of the Corporation of the City of North Bay.

1.10 "Director" means the Director of Planning and Economic Development of the City or such a person as he may designate from time to time.

1.11 "Election Sign" means a temporary sign used to advertise a name involved in the current election.

1.12 "Facia Sign" shall mean a sign which is in any manner affixed to any exterior wall of a building or structure, and which does not project from the building or structure wall and does not extend above the parapet, eaves or building facade of the building on which it is located.

1.13 "Freestanding Sign" means a sign which is supported by one or more columns, uprights or braces in or upon the ground and does not include ground signs. It is primarily used to advertise goods or services which may or may not be available on the premises.

1.14 "Ground Sign" shall mean a sign supported by uprights or braces in or upon the ground or structural base, which is not attached to any part of the building and which, because of its design nature may not be moved, and is primarily used to identify the name and/or location of the building on the property on which the sign is located, and does not include a freestanding sign.

1.15 "Identification Sign" means an incidental sign used to identify the name and address of a building, institution or person and/or to the activity or occupation being identified.

1.16 "Illuminated Sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

1.17 "Incidental Sign" means a sign less than 1 square metre in size whose use is incidental to another use and which, therefore, does not require detailed regulation by this By-law. Without limiting the generality of the foregoing, incidental signs normally include numerical street numbers, nameplates, signs advertising products for sale on the same property, direction or identification signs and shall not include ground signs.

1.18 "Inflatable Sign" means any temporary sign that is inflated.

1.19 "Mobile Sign" means any sign not securely anchored to a permanent foundation or to a building or which, because of its design nature, may be moved and shall include a sign located on a vehicle or trailer or variation thereof, other than a sign
1.20 "Nameplate" means an on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

1.21 "Park or Recreation Facility Sign" means a permanent sign which identifies a public park property, neighbourhood or district park, or recreational facility to the general public. Information on the sign may also advise the public regarding programs or events occurring at the site.

1.22 "Poster" means any bill, notice, or sign which contains direction, information, identification or advertisement, but does not include any material related to a court order or court process.

1.23 "Real Estate Sign" means a temporary sign used exclusively to advertise the sale, lease or rent of the property on which the sign is located.

1.24 "Rooftop Sign" means a sign supported from and erected upon the rooftop of a building.

1.25 "Sandwich Board Sign or V Sign" means any sign not permanently attached to or affixed into the ground, to a building or structure, which is hinged or otherwise attached at the top or side enabling the two sign faces to be extended into an inverted V-shape so as to support the said sign in an upright position, on its side or in any other manner.

1.26 "Sign" means any device, structure, fixture or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions or advertising any establishment, product, goods or services, with the exception of window displays, interior signs, national flags and painting of exterior building walls. For the purpose of removal of signs, this definition may also include all sign structures as well as any inflatable advertising devices.

1.27 "Special Area" means the area of the Downtown Improvement Area as set out in By-law No. 144-77 and amendments thereto.

1.28 "Temporary Sign" means a sign not constructed or intended for long-term use. It is primarily used to advertise special events, grand openings or holidays and can include real estate signs.

1.29 "Window Sign" means a sign installed inside a window and intended to be viewed from the outside.

1.30 "Zone" means zone designation contained in the North Bay Zoning By-law as amended.

2.0 GENERAL PROVISIONS

2.1 No person shall erect, display or maintain:

a) abandoned signs
b) banners
c) signs imitating or resembling official traffic or government signs or signals
d) rooftop signs
2.2 No person shall construct or alter or cause construction or alteration of a sign, without first having obtained a permit from the City as set out in Schedule "A" hereto.

2.3 The owners of any sign erected or altered in the City shall conform to the provisions of this By-law and to any applicable requirements of the Ontario Building Code and any Order issued under this By-law.

2.4 A permit is not required for the following signs or advertising devices:
   i) incidental signs not exceeding 1 square metre and not illuminated;
   ii) temporary signs;
   iii) maintenance, repairs or replacement using materials similar to the materials of the component being maintained or repaired;
   iv) signs used by churches, synagogues, or civic organizations;
   v) construction signs, directional/information signs;
   vi) holiday or special events decorations;
   vii) nameplates of 0.2 sq. m or less;
   viii) political signs;
   ix) public signs or notices, or any sign relating to an emergency;
   x) real estate signs;
   xi) window signs, displays, interior signs, handbills or window posters.

2.5 No person shall construct, affix, attach, fasten, alter, erect, display or continue to display any sign on public property without a permit:
   i) other than signs approved by a permit with maximum dimensions of 216 mm x 279 mm, or
   ii) which is on a travelled roadway or which obstructs free and immediate access to or use of a sidewalk.

2.6 No person shall erect, display, affix, attach, fasten, or alter any sign on public property where it is deemed by the Director to create an occupational health and safety risk.

2.7 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs the sight of or access to any of the following:
   i) fire hydrant;
   ii) sprinkler connection;
   iii) fire alarm box;
   iv) police call box;
   v) traffic signal box;
vi) traffic signal light;
vii) street light;
viii) traffic sign;
ix) manhole;
x) catchbasin;
xii) waterworks;
xiii) valve chamber;
xiv) fire escape;
xv) emergency exit from a building

or any other property designated by the Director of Planning and Economic Development where he determines on reasonable grounds that public or occupational safety would be at risk if unobstructed sight of such property is obstructed.

2.8 Notwithstanding any other section of this By-law, no person shall construct, affix, attach, fasten, alter, display or continue to display any sign which obstructs free and immediate access to any of the items listed in Section 2.7(i) through 2.7(xiv) above or to wooden utility poles or any other property designated by the Director of Planning and Economic Development where he determines on reasonable grounds that public or occupational safety would be at risk if free and immediate access to or on such property is obstructed.

3.0 APPLICATION FOR SIGN

3.1 No person shall erect or display a sign unless the application form as set out in Schedule "A" has been filed in duplicate with the Director, signed by the applicant and approved by the Director or his designate.

3.2 The Director shall approve an application only if it is in compliance with this By-law.

4.0 HAZARDOUS SIGNS

4.1 No person shall erect, display or allow the erection or display of any sign which constitutes a danger to the public by reason of:

a) faulty support, or

b) inadequate construction, or

c) dangerous distraction to vehicular traffic.

4.2 Where a sign is erected or displayed contrary to this By-law, the Director of Planning and Economic Development may forward a notice, by personal service or regular post, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent thereof cannot be determined with certainty, to the person or agent thereof having the use or major benefit of the sign, or if such person is unknown, to the registered owner of the land on which the sign is situated, requiring that the illegal sign be removed, or in a proper case, be made to comply with this By-law within 30 days of the date of the notice, it may be pulled down and removed by the City. In cases of emergency, the Director may cause the immediate removal of a dangerous or hazardous sign, as outlined in Section 4.1, without notice.
5.0 NONCONFORMING SIGNS

5.1 Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the By-law may be eligible for the designation "legal nonconforming" provided that the sign was installed in conformity with a valid permit or variance, or complied with all applicable laws on the date of adoption of this By-law.

5.2 Loss of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if:

a) The sign is relocated or replaced.

b) The structure or size of the sign is altered in any way except toward compliance with this By-law. This does not refer to change of copy or normal maintenance.

5.3 Maintenance and Repair of Nonconforming Signs

a) Any person who maintains a legal nonconforming sign is subject to all requirements of this by-law regarding safety, maintenance, and repair.

b) If the sign suffers more than fifty (50) percent damage or deterioration, based on an appraisal, the owner shall bring the sign into conformity with this By-law or be removed.

6.0 PULLING DOWN AND REMOVAL OF UNLAWFUL SIGNS

6.1 Where a sign is erected or displayed in contravention of this By-law, such sign may be pulled down or removed by the Municipality in the manner stated in this section.

6.2 Where a sign is erected or displayed contrary to this By-law, the Director of Planning and Economic Development may forward a notice, by personal service or regular post, to the lessee or owner of the sign or their agents, or if there is no lessee, or the lessee, owner or agent thereof cannot be determined with certainty, to the person or agent thereof having the use or major benefit of the sign, or if such person is unknown, to the registered owner of the land on which the sign is situated, requiring that the illegal sign be removed, or in a proper case, be made to comply with this By-law within 30 days of the date of the notice, it may be pulled down and removed by the City.

6.3 If the notice is not complied with, the Director of Planning and Economic Development may direct City forces or an independent contractor to enter upon the land to pull down and remove the sign between the hours of 8:00 a.m. and 6:00 p.m., but no such entry shall be made into a building for this purpose.

6.4 Signs so removed shall be stored by the City for a period of not less than thirty (30) days, during which time the owner, or his agent, may be entitled to redeem the sign upon receipt of payment to the Treasurer of the municipality of:

a) The sum of $400.00, being the cost of removing the sign;

b) A storage charge of $25.00 per day;
c) a signed acknowledgement and release on a prescribed form;
d) where the sign is so large as erected that the cost of pulling down and removing exceeds $400.00, then the cost to redeem shall be the actual cost accrued by the City.

6.4.1 The expense of such removal may be recovered from the owner or occupant of the building or premises upon or to which it is attached by action at law which may include an assessment or lien to be collected in like manner of realty taxes. Nothing contained herein shall diminish or affect the liability of any person to any penalty imposed for a breach of the By-law.

6.5 Where a sign has been removed by the municipality and stored for a period of thirty (30) days and such sign has not been redeemed, such signs may be forthwith destroyed or otherwise disposed of by the municipality.

6.6 REVOCATION OF PERMIT

6.6.1 A permit may be revoked by the City of North Bay under the following circumstances:

a) where the sign does not conform to this By-law and amendments thereto, or
b) where the sign does not conform to any legal requirements of any governmental authority having jurisdiction over the area where the sign is situated, or
c) where the permit has been issued as the result of false or misleading statements, or undertakings in the application, or
d) where the permit has been issued in error by the City of North Bay.

7.0 CONFLICT WITH ONTARIO BUILDING CODE

In the event of any conflict between the provisions of this By-law and the provisions of the Ontario Building Code, the provisions of the Ontario Building Code shall prevail.

8.0 REGULATIONS BY ZONE

8.1 Signs Permitted In All Zones

The following signs are allowed in all zones as defined in the North Bay Zoning By-law No. 28-80:

a) All signs not requiring permits (Section 2.4).
b) One non-illuminated attached building nameplate per occupancy, not to exceed two (2) square metres in sign area.
c) Directional/informational sign(s) per lot as required.
d) Temporary special events sign(s) and decoration(s) per premises as allowed by the Director for special events, grand openings, or holidays. Such signs and decorations may be erected forty-five (45) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday.
8.1.1 Posters

Posters are permitted provided that:

a) Each application, whether it be located on public or private property, is $50.00 for twelve (12) months for unlimited signage for identical versions.

b) Maximum size of poster on private property is 91 cm x 61 cm and on public property is 36 cm x 56 cm.

c) Maximum of one poster per property on private residential property.

d) Minimum distance of 30 metres between posters located on public property.

8.2 Signs Permitted In Residential Zones

Signs are allowed as follows in residential zones as defined in North Bay Zoning By-law No. 28-80:

a) All signs as permitted in Section 8.1.

8.2.1 Ground Signs

Ground signs are permitted provided that:

a) Such signs are permitted in medium and high density residential zones only.

b) The maximum number of signs per building is one.

c) The maximum area is 1 square metre.

d) The maximum height (including supports) is 1.8 metre.

e) The minimum setback from the front and side property lines is 1.5 metres. The setback from exterior side yards is 3 metres.

f) Illumination is permitted.

8.3 Signs Permitted in Rural Zones

Signs are allowed as follows in rural zones as defined in North Bay Zoning By-law No. 28-80:

a) All signs permitted in Sections 8.1 and 8.2.

8.3.1 Billboards

Billboards are permitted provided that:

a) Maximum height of billboards is restricted to 8 metres above the finished grade at ground level.
b) Maximum area of billboard sign is 20.5 square metres.

c) Minimum distance billboards located from any residential use in a rural zone where the principal use is residential is restricted to 50 metres.

d) Minimum distance between billboards in any rural zone is 50 metres unless contiguous with each other.

e) Illumination and animation is permitted.

f) Maximum of two signs on any property.

8.4 Signs Permitted In Commercial And Industrial Zones

Signs are allowed as follows in commercial and industrial zones as defined in North Bay Zoning By-law No. 28-80:

a) All signs as permitted in Sections 8.1 and 8.2.

8.4.1 Awnings/Canopies

Awnings/canopies are permitted provided that:

a) Minimum height to the frame of the canopy is 2.5 metres above the finished grade at ground level.

b) Maximum projection from the wall (building face) is 1 metre.

c) The sign area of the advertised message is to be included in the total area calculation for facia sign area.

8.4.2 Facia Signs

Facia Signs are permitted provided that:

a) Maximum area of facia sign is three (3) times the square measure of building street frontage.

b) Maximum projection of .5 metres from building face.

c) In the case of a corner lot an additional sign of a maximum 5 square metres is allowed on the flankage side.

d) In the case of an interior lot, a sign may be placed on the side of the building provided the maximum size permitted is not exceeded.

e) Minimum height is restricted to 2.5 metres from grade to any part of the sign.

f) Facia signs must not extend above the eaves of the building.

g) Illumination and animation is permitted.

h) Facia signs are prohibited on public property unless approved by way of an encroachment agreement.
i) Facia signs may or may not advertise or identify a product or service available, or a business not conducted on the property where the sign is located.

**8.4.3 Freestanding Signs**

Freestanding signs are permitted provided that:

a) Maximum area of sign is 12 square metres.

b) Maximum height above grade is 8 metres.

c) Minimum height of 2.5 metres above grade intended for pedestrian traffic.

d) Minimum height of 4.5 metres above grade intended for vehicular traffic.

e) Maximum of one sign per building with the exception of properties with five or more businesses in a plaza allows for one additional sign.

f) Illumination and animation is permitted.

g) Freestanding signs may or may not advertise or identify a product or service available, or a business not conducted on the property where the sign is located.

**8.4.4 Mobile Signs**

Mobile signs are permitted provided that:

a) Maximum of one sign per building street frontage and one additional sign is permitted on flankage if building is located on a corner lot and if there is more than one business located on the property.

b) No mobile signs are allowed if building street frontage is less than 12 metres.

c) Mobile sign permits are $50.00 per sign for a maximum period of 12 months.

d) Mobile signs are not permitted in residential zones.

e) Mobile signs are not permitted on public property unless:

   i) Where the Director of Planning and Economic Development, in consultation with the Director of Transportation and Works, determines on reasonable grounds that public or occupational safety would not be at risk if free and immediate access to or on such property is not obstructed.

   ii) Mobile signs are located no further than 3 metres from the property line(s) on which the business being advertised is located.
8.4.5 **Sandwich Board Signs Or V Signs**

Sandwich board signs or V signs shall be permitted in any commercial or industrial zone provided that:

a) The maximum height permitted is 1.5 metres.

b) The maximum width permitted is 1 metre.

c) Sandwich board signs shall be located in such a manner so as to provide clear and free pedestrian movement at all times and, except as provided in paragraph (d) hereof, shall be placed in a position whereby they abut the building adjacent to the sidewalk, or where there is a widened area of sidewalk, sandwich board signs shall be placed as close to the curb as possible.

d) Sandwich board signs on public property shall be removed at the close of business hours.

e) Sandwich board signs shall be prohibited in residential zones.

8.4.6 **Billboard Signs**

Billboards are permitted provided that:

a) Maximum height of billboards is restricted to 8 metres above the finished grade at ground level.

b) Maximum area of billboard sign is 20.5 square metres. The sign may be constructed with separate sign faces but must be one structure.

c) Minimum distance billboards located from any residential use in a zone where the principal use is residential is restricted to 30 metres.

d) Minimum distance between billboards in any commercial or industrial zone is 15 metres unless contiguous with each other.

e) Illumination and animation is permitted.

f) Maximum of one sign on any commercial or industrial property.

9.0 **PROHIBITION IN DOWNTOWN IMPROVEMENT AREA**

9.1 No person shall attach a poster to any public property within the area described as the "special area" of the North Bay Downtown Improvement Area Board by By-law No. 144-77 and amendments thereto, unless in accordance with the following:

9.1.1 **USE OF COMMUNITY BULLETIN BOARDS**

**Community Bulletin Boards - Designation**

a) The Community bulletin boards described in Schedule "A" shall be maintained in the designated locations for the use of any member of the public. For the purposes of this Section, each side of a two-sided community bulletin board shall constitute a separate community bulletin board.
b) **Dimensions - Poster**

No person shall attach to a community bulletin board a poster which exceeds 216 mm x 279 mm in dimensions.

c) **Person Attaching - Date**

No person shall attach to a community bulletin board a poster which does not clearly indicate the date upon which the poster is attached.

d) **Person Attaching - Fastening Devices**

No person shall use, in order to attach a poster to a community bulletin board, any staples, tacks, nails, paste, glue or any metal or other sharp or rigid fastening device. A poster may be attached only with masking tape or some similar easily removable tape.

e) **Person Attaching - Not More Than One Poster**

No person shall attach a poster to a community bulletin board if there is already attached to the board, in conformity with this Section, a poster containing the same direction, information, identification or advertisement.

f) **Duration of Attachment of Poster**

No person shall, having attached a poster to a community bulletin board, permit the poster to remain attached to the board after the later of:

i) the completion of the advertised event, if any, or

ii) the expiration of thirty (30) days from the date upon which the poster is attached.

g) **Removal of Posters**

No person shall remove a poster which is attached to a community bulletin board in conformity with this Section, excepting the person who attached the poster or the authorized agent of such person.

h) **Covering of Posters**

No person shall attach a poster which covers any portion of a poster which is attached to a community bulletin board in conformity with this Section.

i) After the first day of every month the City's agents and employees may remove signs howsoever attached to public property throughout the City, including but not limited to signs attached pursuant to this By-law on public bulletin boards, and the City's agents and employees may dispose of all such signs in a like manner as garbage or as they otherwise see fit.
10.0 SIGNS IN WATERFRONT REDEVELOPMENT AREA & PUBLIC PARKS SITES

10.1 No person shall construct, or alter or cause a construction or alteration of a sign on public property within the park areas adjacent to Memorial Drive, and known as the Waterfront Redevelopment Area in the Official Plan, unless otherwise approved by City Council.

10.2 No person shall construct, alter or cause a construction or alteration of a sign on a municipally-owned park area, playfield site or recreational facility, except with the consent of the Manager of Parks & Facilities and in accordance with the following regulations:

a) **Neighbourhood Park Signs**
   i) maximum sign face area of two and three-tenths (2.3) square metres;
   ii) maximum height above grade of two and five-tenths (2.5) metres;
   iii) minimum ground clearance of three-tenths (0.3) of a metre;
   iv) maximum of one (1) sign per site.

b) **District Parks Signs**
   i) maximum sign face area of four and six-tenths (4.6) square metres;
   ii) maximum height above grade of two and five-tenths (2.5) metres;
   iii) minimum ground clearance of three-tenths (0.3) of a metre;
   iv) maximum of one (1) sign per street frontage or pedestrian access point.

c) **Recreational Facility Signs**
   i) maximum sign face area is three times the square measure of the building street frontage;
   ii) signs may be illuminated;
   iii) signs may be facia mounted or part of a ground level landscaping feature.

d) **Recreational Facility Field Advertising Signs**

   Field advertising signs are exempt from By-law regulations provided that all signs face toward the centre of the playfield.

11.0 PUBLIC USES PERMITTED

11.1 The provisions of this By-law shall not apply to any signs constructed or altered, or cause to be constructed by the Municipality and any of its Boards and Commissions, and/or any department of the Government of Canada or the Province of Ontario and/or Crown Corporation for the purpose of public service.
11.2 Applications for private signs on any other Municipally-owned property or buildings will be considered by specific request to city Council.

12.0 PENALTY

Any person who contravenes any provision of this By-law is guilty of an offence and is subject to a fine recoverable under the Provincial Offences Act.

13.0 By-law No. 152-79 is hereby repealed.


READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 26TH DAY OF MAY 1997.

[Signatures: Mayor, City Clerk]
SCHEDULE "A" TO BY-LAW NO. 25-97

SIGN PERMIT FEES

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Permit Fee</th>
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</thead>
<tbody>
<tr>
<td>1) Ground Signs, Billboard Signs, Awning or Canopy Signs, Facia Signs, Freestanding Signs</td>
<td>$50.00</td>
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<tr>
<td>2) Mobile Signs</td>
<td>$50.00/year</td>
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<td>3) Poster Signs</td>
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<tr>
<td>a) private residential or commercial property</td>
<td>$50.00/year</td>
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<td>b) for multiple signs on public property</td>
<td>$50.00/year</td>
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<tr>
<td>c) for posters or designated community bulletin boards</td>
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