

AMENDED BY
BY-LAW 2014-7494

CITY OF TIMMINS

BY-LAW NUMBER 2012-7223

BEING A BY-LAW to prohibit and regulate signs and other advertising devices within the Corporation of the City of Timmins

WHEREAS Section 99 of the Municipal Act, R.S.O. 2001, Chapter 25, provides that municipalities may pass By-laws respecting advertising devices, including signs;

AND WHEREAS Section 11 of the Municipal Act, R.S.O. 2001, Chapter 25, provides that a single-tier municipality may pass By-laws respecting structures, including fences and signs;

AND WHEREAS Section 391 of the Municipal Act, R.S.O. 2001, Chapter 25, provides that municipalities may pass By-laws imposing fees or charges for services or activities provided;

AND WHEREAS Section 427 of the Municipal Act, R.S.O. 2001, Chapter 25, provides that municipalities have the authority by By-law or otherwise to direct or require that a matter or thing be done, and that municipalities may direct that, in default of this being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

NOW THEREFORE the Council of The Corporation of the City of Timmins enacts as follows:

PART I – DEFINITIONS

1. In this by-law:
 - (1) **“A-frame Sign”** shall mean any portable sign, triangular in shape, designed with no less than two sides of similar length forming its apex allowing it to stand freely on the ground;
 - (2) **“Abandoned or Obsolete Sign”** shall mean a sign located on property which becomes vacant and unoccupied for a period of 60 days or more, or any sign which pertains to a time, event or purpose which has passed and/or no longer applies;
 - (3) **“Advertising Device”** shall mean any device or object which is used or can be used to attract public attention to any good(s) or service(s) or facility(ies) or event(s) including, but not limited to flags, banners, pennants and lights;

- (4) **“Advertising Sign”** shall mean a sign which is owned and maintained by a person engaged in the rental or leasing of the sign and/or sign face area for advertising goods/services or facilities upon which copy can be fastened in a manner such that another copy can be substituted from time to time;
- (5) **“Alter”** shall mean any change to the sign structure or sign face including the addition, deletion or re-arrangement of parts, provided a change in the message displayed by a sign does not in itself constitute an alteration;
- (6) **“Animated Sign”** shall mean a video screen or any kinetic or illusionary motion of all or any part of a sign and includes the rotation of a sign but does not include an electronic message board;
- (7) **“Awning Sign”** shall mean a sign attached to or which forms part of the surface of either a retractable awning or a non-retractable canopy provided that for purposes of determining the Sign Area of an Awning Sign, only the number of square metres of the part of the awning or canopy which is used as a visual medium or display to attract attention shall be considered to be the Sign Area of the Awning Sign;
- (8) **“Banner”** shall mean a sign or advertising device made from cloth, or a similar lightweight material such as plastic;
- (9) **“Building Code Act”** shall mean the *Building Code Act, 1992*, S.O. 1992, c. 17, as amended, or any predecessor or successor thereto;
- (10) **“Charitable Sign”** shall mean a mobile sign displayed on private property for the purpose of advertising community service events and/or a charitable organization’s functions or drives provided such sign does not promote a business or product;
- (11) **“Community Mobile Sign”** shall mean a mobile sign erected on City property pursuant to the provisions of this by-law upon which messages which advertise charitable, community services or events and which do not promote a business or product may be displayed by members of the public;
- (12) **“Construction Sign”** shall mean a sign which identifies or provides information relating to or advertising the construction of a building or structure on the lands on which the sign is erected;
- (13) **“Copy”** shall mean the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form;
- (14) **“Council”** shall mean the Council of the City of Timmins;
- (15) **“Sight Triangle”** shall mean a triangular space, free of buildings, structures and obstructions, formed by two intersecting *street lines*

abutting a corner lot and a third line drawn from a point on a street line to another point on a *street line*, each such point being the required sight distance from the point of intersection of the *street lines* as specified in the City of Timmins Zoning By-Law;

- (16) **“Designated Official”** shall mean the Clerk of the City of Timmins, or any successor to this position, and the designate or designates of that individual;
- (17) **“Directional Sign”** shall mean any sign which gives directions or instructions for the control of vehicular or pedestrian traffic within the property on which the sign is located and shall include an entry and exit sign;
- (18) **“Election Sign”** shall mean a sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election and includes signs promoting the position of a person registered to campaign with respect to a question on a ballot;
- (19) **“Electronic Message Board”** shall mean a sign which is electronically controlled and which displays information in a prearranged sequence;
- (20) **“Facade”** shall mean an entire building wall including any parapet but does not include any structure erected above the top storey of a building;
- (21) **“Fascia Sign”** shall mean a sign which is attached and parallel to the surface of an exterior wall of a building or structure and includes a horizontal sign attached and parallel to the perimeter surface of a canopy;
- (22) **“Flag Sign”** shall mean a sign made of cloth or lightweight material attachable by one edge to a pole or rope;
- (23) **“Flashing Sign”** shall mean a sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source but does not include an automatic changing sign or electronically controlled message board;
- (24) **“Frontage”** shall mean the horizontal distance between the side lot lines, such distance being measured perpendicularly to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines* and at a point therein distant 7.5 m [24.6 ft.] from the *front lot line*;
- (25) **“Grade”** shall mean the lowest of the levels of finished ground adjacent to the location of the sign, exclusive of any artificial embankment created without the permission of the City;

- (26) **“Ground Sign”** shall mean a sign which is free standing in a fixed position and is supported by a sign structure attached to or affixed into the ground and which is not supported by any building or other structure and, without limiting the generality of the foregoing, shall include a sign attached to or affixed or embedded into the ground by means of a base or sleeve(s) or other supporting structure which is attached to or affixed or embedded into the ground and into which a removable sign structure may be inserted or attached;
- (27) **“Height”** shall mean the vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including any frame, border or ornamental feature;
- (28) **“Inflatable Sign”** shall mean any advertising device designed to be inflated and which is tethered to the ground, a building, structure, or similar support and includes hot-air balloons;
- (29) **“Interior Sign”** shall mean a temporary sign that is not visible or intended to be seen from anywhere other than within the property on which the sign is located;
- (30) **“Landscaping Sign”** shall mean a sign located or displayed on the ground and created through the use of plants and landscaping materials;
- (31) **“Lot”** see, “Property”;
- (32) **“Mobile Sign”** shall mean a freestanding sign greater or equal to 1.5 m² (16 sq. ft.) in sign area, which sign (including its base or other supporting structure) is displayed on but not permanently anchored into the ground or otherwise attached to or affixed or embedded into the ground or to a building or structure in a permanent manner, but shall not include A-frame signs *or* a sign attached to or located on a vehicle;
- (33) **“Mobile Sign Licensee”** shall mean a person licensed under by-laws of the City of Timmins to carry on the business of leasing mobile signs;
- (34) **“Monolith Sign”** shall mean a ground sign displayed on a pillar-like structure which has no structural delineation between the base of the sign and the display surface of the sign;
- (35) **“Municipal Act”** shall mean the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any successor thereto;
- (36) **“Municipal Address”** shall mean the identifying street number and street name assigned to a property or to a building or unit within a building on the property;

- (37) **“Mural”** shall mean any type of display or artistic endeavour applied as paint or film to any external wall or other part of a building or structure which does not include any words or advertisement or any other promotional message or content including logos and trademarks;
- (38) **“Neighbourhood Event Sign”** shall mean, without limiting the generality of the foregoing, any sign advertising a private garage sale, bazaar, bake sale or the like;
- (39) **“Official Sign”** shall mean any sign erected by or under the jurisdiction of a federal or provincial government or agency or a municipality and any sign required by a federal or provincial statute or regulation or municipal by-law;
- (40) **“Open House Directional Sign”** shall mean a temporary portable sign intended to direct traffic to a residence for resale or lease;
- (41) **“Owner”** shall mean the registered owner of any property;
- (42) **“Parapet”** shall mean a low wall protecting the edge of a roof and includes any architectural features forming an integral part of such wall;
- (43) **“Permit”** shall mean a permit issued under this by-law;
- (44) **“Person”** shall mean an individual, business, firm, corporation, association, partnership, or any combination thereof;
- (45) **“Planning Act”** shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or any successor thereto;
- (46) **“Portable Sign”** shall mean a freestanding sign, less than 1.5 m² (16 sq. ft.) in sign area, which sign (including its base or other supporting structure) is displayed on but not permanently anchored in the ground, or otherwise attached to, or affixed or embedded into the ground in a permanent manner. Without limiting the generality of the foregoing, this definition shall include signs commonly referred to as A-frame Signs, T-frame Signs and sandwich board signs meeting this criteria but shall not mean or include a Ground Sign or a Mobile Sign, including a T-frame Sign larger than 1.5 m² (16 sq. ft) or any sign otherwise defined in this by-law;
- (47) **“Poster Sign”** shall mean a sign which is temporarily secured in the ground or on an existing secondary support such as a lamp standard, ground sign structure, or some other foundation other than the exterior wall of a building for its structural support;
- (48) **“Premises”** shall mean the interior of or a unit within a building;

- (49) **“Projecting Sign”** shall mean a sign attached or affixed perpendicular to or at an angle of greater than 5 degrees from the surface of a facade of a building;
- (50) **“Property”** shall mean a parcel of land, including all buildings, and structures thereon;
- (51) **“Repair and Maintain”** shall mean anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of the sign by removing or replacing worn out, missing, damaged or broken parts;
- (52) **“Roof Sign”** shall mean a sign located wholly or partially above the roof or parapet elevation of a building, but does not mean a fascia sign attached to either a facade of a building or a roof top elevator room;
- (53) **“Sign”** shall mean any surface, structure and other component parts, which is used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device;
- (54) **“Sign Area”** shall mean the number of square metres on the surface of a sign including the border and frame and where there is no border shall include all of the surface area lying within the extremities of the sign. Where a sign has two or more opposing display surfaces separated by an interior angle of 5 degrees or less, one half of the total area of the display surfaces shall be used in the calculation of the sign area;
- (55) **“Sign Owner”** shall include:
- (a) a person who is the occupant of the property or premises, if the sign identifies the property or directs attention to products or services offered by the person on the property; or
 - (b) in the case of a mobile sign or an advertising sign, the owner or lessor of the sign structure; or
 - (c) the person or persons having the use or major benefit of the sign; and
 - (d) any person acting or purporting to act on behalf of the persons listed in (a),(b) or (c) with respect to the sign.
- (56) **“Sign Structure”** shall mean anything used to support or brace a sign face and which may be attached to the ground or a building or structure;

- (57) **“Special Occasion Sign”** shall mean, without limiting the generality of the foregoing, a temporary sign advertising a promotional event such as a grand opening, special inventory clearance or the like;
- (58) **“Storey”** shall mean that portion of any building which is situated between the top of any floor and the top of the floor or roof next above it;
- (59) **“Street”** shall include a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof and may also be referred to as a **“road allowance”**;
- (60) **“T-frame Sign”** shall mean any sign supported by a base such that the sign and base are similar in shape to an inverted "T";
- (61) **“Temporary Real Estate Sign”** shall mean any sign which is not permanently attached to or affixed into the ground or to a building for the purpose of advertising the sale, lease or rental of existing buildings located on the property;
- (62) **“City Property”** shall mean land, buildings or chattels owned by The Corporation of the City of Timmins;
- (63) **“Unsafe”** when used with respect to a sign or sign structure shall mean a condition which is, in the opinion of the Designated Official, structurally inadequate or faulty or which may be hazardous to any person or property;
- (64) **“Use”** when used in conjunction with the words “residential”, “employment”, “industrial”, “commercial”, “institutional”, “agricultural”, “open space” or similar words, shall mean such uses as may be permitted under the Zoning By-law;
- (65) **“Wall Sign”** shall mean any sign directly marked on or inscribed on an exterior wall surface of a building, but shall not include a mural;
- (66) **“Zone”** shall mean the area of a defined land use zone in the City's current Zoning By-law passed under the *Planning Act*;
- (67) **“Zoning By-Law”** shall mean City of Timmins Zoning By-Law No. 2011-7100, as amended, or any successor thereto.

PART II – PERMITS

- 2. A permit is required for any sign erected, located or displayed within the City of Timmins with the exception of the signs listed in Schedule “B” to this By-law.
- 3. The applicant for a permit shall submit to the Designated Official:

- (1) a completed application form as prescribed by the Designated Official;
 - (2) the written authorization of the owner of the property and the occupant of the premises or sign owner;
 - (3) duplicate copies of a current plan of survey certified by a registered Ontario Land Surveyor on which the location of the proposed sign is shown in relation to the boundaries of the lot, adjacent streets and any buildings on the lot, if required by the Designated Official;
 - (4) duplicate copies of a drawing showing plan, elevation and cross-section views of the proposed sign and sign structure, including the dimensions, copy design and materials;
 - (5) where applicable; drawings and specifications, in duplicate, showing the parts of the building to which the proposed sign is to be attached;
 - (6) where applicable; proof of approval for the proposed sign from all other governmental authorities having jurisdiction; and
 - (7) the appropriate fee, as set out in Schedule "A" to this by-law.
4. The Designated Official shall issue the permit for a sign if all provisions of this by-law and any other applicable law known to the Designated Official (including but not limited to the *Building Code Act*, by-laws of the Corporation of the City of Timmins, and any guidelines of the Ministry of Transportation for the Province of Ontario) have been complied with, provided no sign permit shall be issued to any business that requires a licence pursuant to a by-law of the City, if such business has not obtained the appropriate licence.

Revocation of Permits

5. The City may revoke a permit under any of the following circumstances:
- (1) where the permit has been issued in error by the City or on the basis of false, mistaken, incorrect or misleading information or undertakings provided to the City; or
 - (2) where the sign does not conform to this By-law or any conditions of approval under this By-law.

Expiry of Permits

6. A permit issued by the City shall expire:
- (1) upon the expiry of any display period specified under this by-law or pursuant to the terms of a permit; or
 - (2) in all other instances, six months from the date of issuance unless the sign has been erected for its intended purpose; and

- (3) immediately upon removal of the sign.

PART III – GENERAL PROHIBITIONS AND REGULATIONS

7. No person shall:
 - (1) erect, locate or display a sign without a permit where a permit is required under this By-law;
 - (2) erect, locate or display a sign for which a permit has been obtained except in accordance with the approved permit application as per plans and drawings submitted as part of the permit application;
 - (3) erect, locate or display a sign in a manner that is not in accordance with the regulations of this by-law or the conditions of any variance granted under this By-law;
 - (4) erect, locate or display a sign of a type which is not specifically permitted under this By-law;
 - (5) erect, locate or display a sign which is prohibited under this by-law;
 - (6) erect, locate or display a sign which is on or overhangs City property, including any road allowance without the expressed written consent of the Designated Official except as provided in Part V and VI of this by-law;
 - (7) erect, locate or display any sign that obstructs the path or view of any pedestrian, or driver of a motor vehicle or obstructs the visibility of any traffic sign or device, or where it interferes with vehicular traffic in any manner that could endanger any person;
 - (8) erect, locate or display any sign that may be confused with any traffic sign or device;
 - (9) except as expressly permitted under Part V, erect, locate or display a sign within the Sight Triangle, as defined By the City of Timmins Zoning By-Law;
 - (10) except as specifically permitted under this by-law, erect, locate or display a sign on private property for a purpose other than a purpose ancillary to a principal use permitted under the City of Timmins Zoning By-law and carried on within a building located on the property or the purpose of facilitating the commencement of such a use;
 - (11) fail to ensure that the light from any sign which is illuminated is deflected away from any adjacent property and the path of vehicular traffic;
 - (12) fail to ensure that the lighting intensity of an illuminated sign is turned off or dimmed between the hours of 9:00 p.m. and 8:00 a.m.

if so directed by the Designated Official, or the conditions of any permit;

- (13) fail to maintain a sign in a proper state of repair so that such sign does not become unsafe or unsightly; or
 - (14) fail to remove or bring into compliance a sign which is erected not in accordance with the provisions of this by-law when so directed by the Designated Official.
8. A person shall be deemed to be erecting, locating or displaying a sign if that person is a sign owner and directs, permits or fails to stop the erection, location or display of the sign.
 9. The sign owner shall notify the Designated Official of the completion of the erection of any ground sign or fascia sign erected pursuant to a permit under this by-law within 15 days after the sign is erected.

PART IV – REGULATIONS FOR PARTICULAR TYPES OF SIGNS

Prohibited Signs

10. The following signs are prohibited under this by-law:
 - (1) abandoned or obsolete Signs;
 - (2) animated signs, with the exception of Electronic Message Boards permitted under Sections 16 and 17 of this by-law;
 - (3) roof signs;
 - (4) a wall sign other than a mural permitted under this by-law;
 - (5) flag signs or pennants;
 - (6) signs on trucks, trailers, or vehicles that are parked on a property in a manner that is unrelated to their normal use as vehicles and is more consistent with the use or intended use of the vehicle as a sign;
 - (7) any sign capable of being confused with a sign such as a traffic sign, traffic signal or official sign; and
 - (8) An A-Frame sign erected not in accordance with section 38-3(c) of this by-law.
11. Where a sign is not expressly permitted under this by-law it shall be deemed prohibited.
12. Where a type of sign is not specifically permitted under Schedule “C”, it shall be deemed prohibited.

Ground Signs

13. No person shall erect, locate or display a ground sign other than in accordance with the regulations in Schedule “C”, the general regulations under this by-law and the following additional regulations:
 - (1) no ground sign shall be erected, located, or displayed:
 - (a) within 3 metres of a driveway entrance or exit at the edge of the road allowance; or
 - (b) within 15 metres of an intersection.

Landscape Signs

14. Landscape signs are permitted in accordance with the regulations in Schedule “A” and the general regulations under this by-law for a ground sign permitted under this by-law.

Monolith Signs

15. Notwithstanding the definition of sign area, the sign area of a monolith sign shall not include the area of the lower portion of the sign to a limit of two thirds of the total height of the sign structure, provided there is no change of colour and copy, other than the municipal address of the property within that lower portion of the sign. If there is copy or change of colour from within the lower portion of the monolith sign, then the sign area shall include the area of the sign above the lowest extremity of any copy or change in colour.

Electronic Message Boards

16. Electronic Message Boards are permitted on ground signs erected, located or displayed in association with a public or private school as defined in the *Education Act*, a university or community college, hospital, library, or government institution on the property, provided:
 - (1) a maximum of 30% of the sign area may be used for the purposes of an electronic message board;
 - (2) the minimum display time for any electronic message, without movement or change in colour, shall be 30 seconds; and
 - (3) the intensity of the illumination shall be maintained at a constant level.
17. Electronic Message Boards are permitted on ground signs and fascia signs in Employment Zones or Commercial Zones.

Directional Signs

18. (1) No person shall erect, locate or display a directional sign with a sign area in excess of 0.56 m² (6 sq.ft.).
(2) No person shall erect, locate or display a directional sign with a height greater than 1.5 m (4.92 ft.).
19. Corporate logos may be displayed on directional signs.

Fascia Signs

20. No person shall display a fascia sign, other than in accordance with the regulations in Schedule "C", the general regulations under this by-law and the following additional regulations:
 - (1) no fascia sign shall extend beyond the extremity of the facade on which it is mounted;
 - (2) no fascia sign shall extend beyond a point which is a maximum of 2 metres (6.56 ft.) above the roof-line of a building;
 - (3) no fascia sign may project more than 0.45 m (18 inches) from the surface of the wall to which it is attached;
 - (4) no fascia sign may project over City property except in compliance with Part V of this by-law; and
 - (5) every fascia sign shall be parallel to the surface of the wall to which it is attached.
21. Where an office building is located within a Commercial General Zone a fascia sign may be erected, only on the second storey of the building or higher for the purpose of providing corporate identification for the occupant, if any, of the office building, provided such fascia sign has a maximum sign area of 5% of the area of the portion of the facade between the roof and the floor of the top storey of the building.

Murals

22. Murals shall be permitted as fascia signs subject to the same regulations as other fascia signs.

Awning Signs and Projecting Signs

23. No person shall erect, locate or display an Awning Sign or Projecting Sign:
 - (1) that projects more than 1.22 metres (4 feet) beyond the wall surface of a building; or
 - (2) that projects beyond the limit of the property line of the lot, provided awnings or projecting signs may project over City of Timmins property subject to the provisions of Part V of this by-law.

Temporary Real Estate Signs and Construction Signs (existing buildings or non-residential building under construction)

24. Temporary Real Estate Signs and Construction Signs are permitted in accordance with the regulations in Schedule “C” and the following additional regulations:
- (1) Temporary Real Estate Signs may only be displayed on a property during the time that property, or units within that property are actually available and offered for sale or lease;
 - (2) Construction Signs may only be displayed on a property during the time that construction is taking place on that property.

Poster Signs

25. Poster signs are permitted in accordance with the regulations in Schedule “C”, the general regulations under this by-law.

Portable, Mobile, Banner, Charitable and Special Occasion Signs

26. No Person occupying a property shall erect locate or display a Portable Sign, Mobile Sign, Banner Sign, or Special Occasion Sign, other than in accordance with Schedule “C”, the general regulations applicable under this by-law, the regulations in Sections 27 to 31 and the following additional regulations:
- (1) subject to paragraph 27 (3), a total maximum of three (3) Mobile Signs, Banner Signs, or Portable Signs, or any combination thereof, may be erected on any frontage of any property at any one time except in accordance with section 29(1);
 - (2) subject to paragraph 27 (3) one Special Occasion Sign shall be permitted on a property at any time;
 - (3) no person shall erect, locate or display more than one (1) sign which is either a Mobile Sign, Banner Sign, Portable Sign or Special Occasion Sign on a property at any time;
 - (4) paragraph (3) shall not prevent a Mobile Sign Licensee from locating more than one Mobile Sign on a property;
 - (5) the maximum display period for:
 - (a) Special Occasion Signs shall be seven (7) consecutive days;
 - (b) Charitable Signs shall be fifteen (15) days per function or drive; and
 - (c) Mobile Signs, Banner Signs or Portable Signs shall be thirty (60) consecutive days being two permit periods unless such display is incidental to a seasonal business and so approved by the Designated Official, or is in accordance with section 29(1);

- (6) the maximum number of display periods in a calendar year shall be:
 - (a) two (2) for Special Occasion Signs;
 - (b) two (2) per property for Charitable Signs; and
 - (c) five (5) for Mobile Signs, Banner Signs or Portable Signs;
- (7) the minimum period between display periods shall be:
 - (a) 30 days for Special Occasion Signs; and
 - (b) 30 days for Mobile Signs, Banner Signs, or Portable Signs, subject to paragraph 30(5)(c);
- (8) the minimum distance separating Mobile Signs, Banner Signs or Portable Signs from any other sign shall be 15 metres (50 ft.); and
- (9) notwithstanding Section 10(3) an inflatable sign may be erected on a roof of a building as a Special Occasion Sign.

Additional Regulations Applicable to Portable Signs

- 27. Portable Signs are subject to the following additional regulations:
 - (1) Portable Signs shall be temporarily anchored to the ground, where possible, to prevent their dislocation.

Additional Regulations Applicable to Mobile Signs

- 28. Applications for Mobile Sign Permits shall be submitted to the Designated Official twenty-four (24) hours prior to the location or display of the sign and such application shall be subject to the provisions of Section 30.
- 29. Notwithstanding section 29(1) of this by-law, mobile Sign permits shall be valid for a maximum of 30 days from the date of issuance;
 - (1) Mobile signs located on a property along Algonquin Boulevard or Riverside Drive for a period more than 30 days shall be subject to the regulations and permit fees for ground signs set out in this by-law.
- 30. Applications for mobile signs shall be processed in order of receipt, and in the event that applications are submitted simultaneously and insufficient opportunities for the display of a mobile sign exist, priority shall be established by means of a draw conducted by the Designated Official.
- 31. No person shall:
 - (1) place or permit an electrical cord on the surface of a parking lot, driveway or sidewalk in order to provide power to a mobile sign;
 - (2) locate or display a mobile sign with or without copy, characters, symbols or letters on the message board unless a mobile sign permit has been issued in accordance with this by-law;

- (3) fail to turn off or decrease the light from an illuminated mobile sign between the hours of 10:00 p.m. and 8:00 a.m. when requested to do so by the Designated Official;
- (4) locate or display a mobile sign which is not level and/or is not installed so as to minimize the risk of it falling over;
- (5) locate or display a mobile sign with lettering, characters or symbols in excess of 61 centimetres (24 inches) in height;
- (6) re-arrange or remove the letters or copy on a mobile sign without the authorization of the sign owner.

Neighbourhood Event Signs

32. No person shall erect, locate or display more than four (4) neighbourhood event signs in a calendar year.

Advertising Signs

33. Advertising Signs may be ground signs or mobile signs, subject to the rules generally applicable for such signs.
34. No person shall erect, locate or display an advertising sign:
 - (1) if any other sign is also erected, located, or displayed on the property, other than a temporary real estate sign or an election sign;
 - (2) on a property other than a property within a Commercial or Industrial Zone as identified under the City of Timmins Zoning By-law;
 - (3) within, adjacent to or abutting any property a property legally used for residential purposes;
 - (4) any closer to the edge of the road allowance than the set back required for buildings and structures on the property under the provisions of the Zoning By-law.

PART V - SIGNS ON OR OVERHANGING CITY PROPERTY

General Regulations

35. No person shall erect, locate, display or attach any sign:
 - (1) upon or overhanging any City property including a road allowance within the City except as specifically permitted in Parts V and VI of this by-law;
 - (2) to any tree, lamp post, traffic signal stand, pole, utility pole, bench or waste receptacle owned by, leased to, managed by or controlled by the City of Timmins.

Signs on City Property not requiring Permits

36. The signs listed in Schedule “B” as being permitted on City property may be erected, located or displayed on or overhanging City property without a permit, subject to the regulations listed in Schedule “B”;

Signs on City Property requiring Approval of Council

37. The following signs may be erected, located or displayed on or overhanging City property, only with the approval of Council:
- (1) providing direction to/for churches or other religious institutions, shopping centres, golf courses, institutions, public facilities and/or the like; and
 - (2) permanent signs deemed by Council to be of a public service nature.
 - (3) any sign erected, located or displayed in a park owned by the City of Timmins

Other Signs on City Property

38. The following signs may be erected, located or displayed on or overhanging City property, provided a permit has been issued by the Designated Official where applicable:
- (1) **Fascia signs or Projecting signs** which do not project more than 0.46 metres (18 inches) over City property including a road allowance, provided the minimum clearance between the sign and the finished grade shall be 2.44 m (8 feet) and a temporary street occupation permit has been obtained prior to the issuance of the permit and erection of sign;
 - (2) **Awning signs** erected on approved awnings encroaching on the road allowance (provided a by-law from the City has been obtained for any such encroachment) shall have a minimum clearance between the sign and the finished grade of 2.44 m (8 feet) and a temporary street occupation permit must be obtained prior to the issuance of the permit and erection of the sign;
 - (3) **A-Frame Signs** may be displayed directly in front of a business having no private property on which such sign could be legally displayed under this by-law provided:
 - (a) only one A-frame sign is erected per business;
 - (b) the sign shall measure no more than 0.6 m (2 ft.) by 0.9 m (3 ft.);
 - (c) the sign is not affixed in any way to City property;
 - (d) the sign is placed out no earlier than 7:00 a.m. and removed and stored indoors no later than 11:00 p.m.

- (e) the sign is displayed within the limits of the side lot lines of the property projected to the edge of the road allowance;
 - (f) the sign does not, in the opinion of the Designated Official, impede pedestrian traffic or create a safety hazard;
 - (g) the sign directs attention to the products, goods, services, activities, or facilities provided by the business at that same location; and
 - (h) the sign is in a good state of repair to the satisfaction of the Designated Official;
- (4) **Temporary signs advertising charitable or community services or events** and which do not promote a business or product which are located and displayed in such manner, number and size in the opinion of the Designated Official having regard to other signs permitted under this by-law maintains the general intent and purpose of this by-law, in particular public safety, subject to the following restrictions:
- (a) signs may be erected fourteen (14) days before the charitable event and shall be removed one (1) day after the charitable event;

PART VI – ELECTION SIGNS

39. No person shall erect, locate or display an election sign except in accordance with the regulations in Schedule “D” to this by-law.

PART VII – ENFORCEMENT

40. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction a person is liable to a fine under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 of not more than \$5,000.00 exclusive of costs.
41. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
42. Where a sign or any part thereof is erected, located or displayed on or overhanging City Property, the Designated Official may remove or cause the sign to be removed immediately without notice to any person.
43. Where a sign is erected or displayed in contravention of this by-law, the Designated Official may immediately pull down or remove any sign that he or she determines constitutes a safety hazard.
44. Where a sign erected on private property does not comply with this by-law or a permit issued under this By-law, the Designated Official may by notice

require the sign owner to bring the sign into conformity in the manner and within the time specified in the notice.

45. Where a sign on private property is not removed or a sign is not brought into conformity with this by-law within the timeframe required by the Designated Official pursuant to notice given under this by-law the Designated Official may have the sign removed and the site restored. For this purpose, the Designated Official, an inspector and their contractor or other agent may enter upon the lot and premises at any reasonable time.
46. The notice in Section 48 may be given:
 - (1) by personal service upon the party being served;
 - (2) by prepaid registered mail sent to the last address of the party being served on the records of the City; or
 - (3) by prominently posting a copy of the notice either on the sign in respect of which the notice is given, or on the property upon which the sign is located.
47. Where notice is given in accordance with Section 49(2) or (3), it is deemed to have been received by the party being served on the day after the mailing or posting of the notice.
48. The cost incurred by the City in removing a sign or restoring a site under Section 48 shall have priority lien status under the *Municipal Act, 2001* and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the City in removing a sign or restoring a site under Section 48 is a debt due the City of Timmins and may be recovered in any court of competent jurisdiction.
49. Any sign removed by the City shall be stored by the City for thirty (30) days, during which time the sign owner may redeem such sign upon payment of the applicable fee prescribed on Schedule "A" subject to the additional restrictions applicable to election signs prescribed in Schedule "D".
50. Where a sign has been removed by the City and stored for a period of thirty (30) days, and has not been redeemed by the sign owner during that period, the City may dispose of the sign without any further notice and without any further obligation to the sign owner or any other person.

PART VIII – MISCELLANEOUS

Schedules

51. The Schedules attached to this by-law shall form part of this by-law.

Headings

52. The division of this by-law into Parts and the use of headings is for convenience only. The headings shall not form part of this by-law.

Metric/Imperial

53. Imperial measurements are provided solely for the purpose of convenience. In the event of a conflict between the metric and imperial measurements provided in this by-law, the metric measurements shall prevail.

Conflict

54. Where a provision of this By-law conflicts with a provision of any applicable government regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

55. Where a provision of this By-law conflicts with any other by-law, the by-law which establishes the higher standard shall prevail.

56. Notwithstanding Sections 57 and 58, no conflict exists if it is possible to comply with this by-law and the other applicable government regulation or by-law.

57. Except as expressly provided in this By-law, nothing in this By-law shall be deemed to affect any requirement for a building permit under the *Building Code Act* or any requirement for site plan approval under the *Planning Act*, nor shall issuance of a building permit under the *Building Code Act* or site plan approval under the *Planning Act* affect any requirement of this By-law or any condition of approval imposed under this By-law.

58. This By-law does not apply to an advertising device that was lawfully erected or displayed on the day this 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.

Severability

59. If a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force unless the court makes an order to the contrary.

Repeal

60. By-law No. 1992-3998 is hereby repealed.

61. By-law No. 1998-5028 is hereby repealed.
62. Any reference to the "City of Timmins Sign By-Law" or similar reference in any other by-law, policy or document of the City of Timmins shall be deemed to be a reference to this By-law.

Title

63. This City of Timmins By-law shall be known and may be cited as the "Sign By-law".

Read a FIRST, SECOND, and THIRD time and finally PASSED by Council this 17th day of September, 2012.

MAYOR

CLERK

SCHEDULE "A"

Fees (issued per face of each sign)

SIGN TYPE/SERVICE	Factors affecting Fees	FEE
Ground, Fascia, Awning, Projecting, Construction Signs	Up to 3.75 m ² (50 sq.ft.) and on private property	\$200/year
	Over 3.75 m ² (50 sq.ft.) and on private property	\$400/year
	Up to 3.75 m ² (50 sq.ft.) and encroaching in whole or part onto City Property	\$250/year
	Over 3.75 m ² (50 sq.ft.) and encroaching in whole or part onto City Property	\$450/year
Ground signs which are over 8.9 m² (95.8ft²) and are located (in whole or part) adjacent to and facing a rural or urban highway as listed in Schedule "B" of the City of Timmins Billboard Sign By-Law No. 2012-7175.		See Engineering Department
Mobile Signs	N/A	\$50/30 days
Portable Signs	N/A	\$50/30days
Banner Sign	N/A	\$50/30 days
Special Occasion Sign including Inflatable	N/A	\$100/10 days
Revision of plans and/or structural alterations to existing signs requiring review of plans by examination staff	N/A	\$50
Review of application by Designated Official to extend the term of a sign	N/A	\$50
Deposit- Election Signs	Per candidate	\$200
Retrieval of Election Signs during Election Period	Number of signs	\$50 per retrieval
Removal of Election Signs after Election	Number of signs	\$50 per sign
Return of Mobile Signs	Per sign	\$50 + costs incurred
Return of Signs other than Mobile Signs or Election Signs	Per sign	\$50 + costs incurred
Charitable Signs	N/A	No charge
Signs requiring approval of Council	(In addition to fee based on sign type)	\$250

SCHEDULE “B”

Signs Not Requiring Permits

No permit shall be required for signs meeting the following criteria:

SCHEDULE B - SIGNS NOT REQUIRING PERMITS		
SIGN TYPE	LOCATION/ZONE	REGULATIONS
Election Signs	All Property	Subject to Schedule “D”
Official Signs	All Property	Placed by relevant authority subject to restrictions otherwise applicable by law
Municipal Addresses (Commercial/Industrial)	Private Property	Included in sign area if included as part of another sign other than the base of a monolith sign or a separate fascia sign
Municipal Addresses (Residential)	Private Property	Maximum size, 0.5 m ² (5.38 ft ²)
Commemorative signs, plaques or corner stones of a non-advertising nature	Private Property	Attached to the wall of the building
Flags bearing only emblems of patriotic, civic or charitable institutions	Private Property	N/A
Emblems of Religious Organizations	Private Property	N/A
No Trespass or warning sign	Private Property (Residential Zones/Uses)	Maximum size, 0.91 m ² (3 ft ²)
	Private Property (All Other Zones/Uses)	Maximum size, 2.7 m ² (9 ft ²)
Signs advertising agricultural produce produced on the property	Private Property (Rural Zone)	One sign with a maximum size of 3 m ² (32 ft ²) during the appropriate harvesting season
Interior Signs (other than ground signs or fascia signs)	Private Property	Not visible from off the property
Directional Sign	Private Property	Maximum size, 0.56 m ² (6 ft ²)

Signs erected by person performing work/service on residential properties	Private Property in Residential Zones if the service is being performed at that property	One Sign with a Maximum Size of 0.37 m ² (4 ft ²) Display period during the time that work is being performed or a total of 14 consecutive days whichever is less.
Temporary Real Estate Signs	Private properties offered for sale or lease	Maximum size, 0.56 m ² (6ft ²) Removed within 14 days after sale
Temporary personal signs for purposes such as expressing congratulatory sentiments on birthdays, anniversaries or similar occasions	Private Property in a residential zone	Maximum display period of forty-eight (48) hours
Signs on Bus Shelters	City Property	With the permission of the City in accordance with rules and requirements in effect from time to time regardless of location of bus shelter
Temporary Open House Signs	City Property or Private Property in Residential Zones	For the resale of residential properties only Signs no larger than 1.8 m ² (6 ft ²) Maximum of 3 signs per property for sale Not displayed prior to 9am or after 9pm
Neighbourhood Event Signs Neighbourhood Event Signs (continued)	City Property or Private Property in Residential Zones	Maximum size of 2.7 m ² (9 ft ²) Maximum of 3 signs per Neighbourhood Event Maximum display time of 24 consecutive hours Maximum of two (2) signs per lot within the calendar year

<p>Portable Signs erected by Churches or Religious Institutions on their designated day of worship for the purpose of providing direction to the place of worship</p>	<p>City Property or Private Property</p>	<p>Maximum of 3 signs Maximum size of 1.5 m² (16 ft²) Consent of abutting residential property owner required if erected on a road allowance within the extended property lines of the residential property</p>
<p>Signs erected in accordance with an approved Site Plan Control Agreement</p>	<p>Private Property</p>	<p>As prescribed by the Site Plan Control Agreement for the property on which the sign is located</p>
<p>Signs erected on a property to advertise a permitted at-home occupation on the same property, as prescribed by the City of Timmins Zoning By-Law</p>	<p>Private Property</p>	<p>As prescribed by the City of Timmins Zoning By-Law</p>

SCHEDULE "C"
REGULATIONS FOR SIGNS ON PRIVATE PROPERTY

Zone/Use	Maximum Number	Maximum Sign Area	Maximum Height	Distance from Property Line/ Street	Illumination
Ground and Landscape Signs					
All Zones/Uses except Residential	1 per frontage	7.5 m ² (80.7 ft ²)	6.75 m (22 ft.)	3.0m (9.8 ft)	Internal or External
Fascia Signs and Awning Signs					
All Zones/Uses except Residential Properties	N/A	20% of external wall area of the part of the building occupied by the business in connection with which the sign is erected to a max. of 18 m ² (193.75 ft ²)	Limit of facade to a maximum of 2m above the elevation of the roof of the building	N/A	Internal or External
Residential Properties with Day Nursery, Bed/Breakfast, At home Business permitted under the City of Timmins Zoning By-Law or by variance	In accordance with provisions on Zoning By-Law	In accordance with provisions on Zoning By-Law	In accordance with provisions on Zoning By-Law	In accordance with provisions on Zoning By-Law	In accordance with provisions on Zoning By-Law
A-Frame Signs					
All Zones/Uses except Residential	3 per frontage	1.5 m ² (16 sq. ft.)	1.2 m (3.9 ft.)	N/A	None
Zone/Use	Maximum Number	Maximum Sign Area	Maximum Height	Distance from Property Line/ Street	Illumination
Banner Signs					

**SCHEDULE “C”
REGULATIONS FOR SIGNS ON PRIVATE PROPERTY**

All Zones/Uses except Residential	3 per frontage	10m ² (107.6 sq. ft.)	N/A	10 m (32.8 ft.) from intersection of streets	None
Mobile Signs					
All Zones/Uses except Residential	3 per frontage	6.7 m ² (72 sq. ft.)	2.4 m (7.9 ft.)	N/A	Internal
Poster Signs					
All Zones/Uses except Residential	1 per frontage	1.8m ² (20 sq. ft.)	3.6 m (11.8 ft.)	3.0 m (9.8 ft.)	N/A
Projecting Signs					
EA-CG Zones only	1 per property	0.56 m ² (6 sq. ft.)	3.6 m (11.8 ft.)	0.46 m (1.5 ft.)	None
Special Occasion Signs					
All Zones/Uses except Residential	1 per property				
Construction Signs					
Residential only	1 per property	4.65 m ² (50 sq. ft.)	3.6 m (11.8 ft.)	3.0 m (9.8 ft.)	External
Temporary Real Estate Signs					
Industrial/Commercial	1 per frontage	4.65 m ² (50 sq. ft.)	3.6 m (11.8 ft.)	3.0 m (9.8 ft.)	External
Residential/Rural	1 per frontage	0.56m ² (6 sq. ft.)	N/A	N/A	External

SCHEDULE “D”

ELECTION SIGNS

Deposit Required

1. No person shall erect, locate or display an election sign on City property unless the security specified in Schedule “A” has been deposited with the Designated Official by the sign owner or the sign owner’s authorized agent;

Timing of Display

2. No person shall erect, locate, or otherwise display an election sign:
 - (a) in the case of a Municipal election, prior to (30) thirty days immediately preceding the day of the municipal election;
 - (b) in the case of a Federal or Provincial election, prior to the issuance of the writ for the election; or
 - (c) in the case of any election, for a period greater than six (6) days immediately following the day of the election.
3. Despite section 2, election signs may be erected in campaign offices up to (90) ninety days prior to voting day, provided that:
 - (a) In the case of a candidate for the position of Councilor or Trustee, that right shall extend to no more than (1) one campaign office in the ward where the candidate is running for election;
 - (b) In the case of a candidate for the position of Mayor, that right shall extend to no more than (4) four campaign offices.

Location

4. No person shall erect, locate or display an election sign:
 - (a) on or within any City property other than a road allowance;
 - (b) overhanging any City property other than a road allowance;
 - (c) at any location on City property where the election sign might obstruct any door, window, fire exit or any opening required for light, ventilation, ingress, egress or firefighting;
 - (d) at any location on City property where the election sign might interfere with underground services;

- (e) at any location where the election sign could obstruct the view of any pedestrian or driver of a motor vehicle or obstruct the visibility of a traffic sign or device, or where it could interfere with vehicular traffic so that it could endanger any person; or
 - (f) at any location where such election sign, in the opinion of the Designated Official, constitutes a safety hazard to the general public.
5. No person shall erect, locate or display an election sign within a road allowance where the election sign is:
- (a) on any centre median, traffic island or centre boulevard;
 - (b) within 1.5 metres (5 feet) of a fire hydrant, curb, driveway or the travelled portion of a street;
 - (c) on any railing, retaining wall, bridge, bench, garbage can or structure of any kind;
 - (d) on City property within 30.48 metres (100 feet) of any entrance to a voting location; or
6. Notwithstanding paragraph 3 and 4 of this Schedule an election sign may be installed in a bus shelter under the direction and control of the City in accordance with the rules and requirements in effect from time to time regardless of the location of the bus shelter.
7. No person shall erect a sign on private property:
- (a) larger than 1.22 metres by 1.22 metres (4 feet by 4 feet) and/or higher than 2 metres above ground level;
 - (b) which, in the opinion of the Designated Official, potentially interferes with the safe operation of vehicular traffic;
 - (c) without the expressed consent of the property owner;
 - (d) which the sign structure does not comply to any other provision of the City of Timmins Sign By-Law

Method of Erecting Signs

8. No person shall erect or permit an election sign to be erected on a utility pole using nails, screws, tacks, glue, tape or wire. Such signs shall be fastened by staples only;

Seizure and Return of Election Signs

9. The Designated Official may remove any election sign found to be in contravention to this by-law without notice.

10. The Designated Official may destroy any election sign which has been seized and is not claimed and retrieved by the sign owner or an authorized agent of the sign owner within (15) fifteen days without notice or compensation to the owner.
11. The Designated Official shall return any election sign which has been seized to the sign owner or the sign owner's authorized agent upon payment of the fees specified in Schedule "A" to this by-law, provided:
 - (a) the sign owner shall be required to contact the Designated Official on a business day of the City and make appointment for the retrieval of the signs. Such appointment shall be on the following business day of the City unless the Designated Official agrees to an earlier time;
 - (b) the sign owner shall be required to provide the City with a signed acknowledgement and release in a form acceptable to the City;
 - (c) no election sign shall be returned by the Designated Official on Voting Day.

Return of Security Deposit

12. The Designated Official shall return, within 60 days, the balance of the securities deposited with the City (if applicable) under paragraph 1 of this Schedule, after deducting the cost of removing election signs following the election if the signs were removed by the City and the cost of any damage within the road allowance.