



BY- LAW NUMBER 2018

A By-law of The Corporation of the City of Barrie regulate advertising devices, including signs and to repeal by-law 2005-093.

WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 8, provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 10, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, *inter alia*; highways;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 99 sets out rules which apply to a by-law of the municipality respecting advertising devices, including signs;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 425 establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

AND WHEREAS by Resolution 18-A-012 the Council of The Corporation of the City of Barrie deems it expedient to regulate advertising devices including signs within the City of Barrie and repeal by-law 2005-093;

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

1.0.0.0.0 **GENERAL**

1.1.0.0.0 This By-law shall apply to the whole of the geographical limits of the City of Barrie. The intent of this section is to prohibit and regulate certain advertising devices and signs within the limits of the City of Barrie, especially in relation to community appearance and safety.

2.0.0.0.0 **DEFINITIONS**

2.1.0.0.0 In this section:

2.1.1.0.0 **A-Frame Sign:** means any sign that has a rigid, free standing structure not affixed to the ground or other structures with two advertising sides attached at the top and extended into an "A" shape, also commonly referred to as "Sandwich Board Sign" or "Sidewalk Sign".

2.1.1.0.0 **Alter, Altered or Alteration** - means any change to the sign with the exception of:

- a) a change in the message displayed on a sign;
- b) the re-arrangement of numerals, letters or copy applied directly to the face of a sign specifically designed and intended to be periodically re-arranged;
- c) repair and maintenance, including replacement with identical components, as required by this section.

2.1.2.0.0 **Applicant:** shall mean the owner of the land upon which a sign is to be erected or displayed, or a tenant of the land, who shall provide written permission from the owner of the land, or an agent of the owner or tenant, who shall provide written permission of the owner and tenant of the land.

- 2.1.3.0.0 **City Official Sign:** means any sign erected by the City or its agents or as approved by City Council including but not limited to information signs, directional signs, traffic control signs, signs erected that control or regulate the movement of vehicle or pedestrians or any signs approved under the Highway Traffic Act.
- 2.1.4.0.0 **City Property:** means any lands owned by The Corporation of the City of Barrie, utilities or local boards and includes Streets, Highways and Road Allowances.
- 2.1.5.0.0 **Digital Display/ Electronic Message Board:** means an advertising device, sign or section of a sign which is electronically controlled and which displays information in a pre-arranged sequence, and on which the intensity of the illumination is maintained at a consistent level and the image remains static for a pre-determine amount of time as set out in this by-law. Shall include but not be limited to electronic text message boards and LED displays.
- 2.1.6.0.0 **Ground Sign:** means a permanent sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in the ground, and includes soft landscape treatment at the base of the sign or supporting structure. For the purposes of this by-law, a pylon sign is considered to be a ground sign.
- 2.1.7.0.0 **Lot:** means a piece of land to which the title may be legally conveyed and which has continuous frontage on a street and which has an assessment roll number.
- 2.1.8.0.0 **Mobile Sign:** means any mounted sign on a supporting frame which is designed to be transported from one site to another by any means and includes mobile signs with changeable copy and/or illumination, but shall not include signs mounted on a trailer as defined by this by-law.
- 2.1.9.0.0 **Motor Vehicle:** includes any means of transportation propelled or driven by any kind of power including muscular power.
- 2.1.10.0.0 **Officer:** means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the City of Barrie or designate, the Barrie Board of Police Commissioners, or a Provincial Offences Officer or other duly appointed individual.
- 2.1.11.0.0 **Person:** includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to the law and shall include any advertiser.
- 2.1.12.0.0 **Poster Panel Sign:** means a permanent sign that advertises goods, products, services or facilities that are not available at the location where the sign is situated or that directs persons to a location different from that where the sign is located, and shall include free standing structures and signs attached in any manner to the wall of a building or structure and includes a standardized sign structure erected and maintained by a business engaged in the sale or rental of space upon which advertising copy is displayed advertising goods or services that are not necessarily conducted within or upon the lot upon which the sign is located.
- 2.1.13.0.0 **Poster Sign:** means any notice, bulletin, placard, leaflet, bill or handbill which is temporarily posted, attached, erected or displayed publicly for any purpose whatsoever, including the purpose of advertising, announcing, directing or promoting any event, show performance, entertainment, meeting, gathering, business, product or idea.
- 2.1.14.0.0 **Real Estate Sign:** means a non-illuminated sign erected on a property for the notification that said property, a building thereon, or a portion thereof is offered for sale, rent or lease.
- 2.1.15.0.0 **Road Construction Area:** means the components of a roadway within a Temporary Work Zone known as Transition Area, Longitudinal Buffer Area, Work Area, and Termination Area (as described in the Ministry of Transportation Ontario Traffic Manual Temporary Conditions) for which the normal flow of traffic is impacted by lane closures. In the event of a full road closure, the Road Construction Area is the section of the road that is closed, between the beginning and end of the detour route.
- 2.1.16.0.0 **Roofline:** means the intersection of roof and the wall of a building or structure.
- 2.1.17.0.0 **Setback:** means the measurement from the outermost point of the sign to a determined distance as set out in the by-law.

- 2.1.18.0.0 **Sign:** means an advertisement, identification, promotion, direction, decoration or information by means of any visual medium including but not limited to electronic message board or digital display, printing on or attaching bills, letters, colours, or numerals to any structure, canopy surface or device on which the advertisement, identification, promotion, direction or information is painted, placed, or attached. For purposes of this by-law, any structure, excluding buildings, commonly used for the purpose of supporting a sign shall, itself, be considered a separate and distinct sign. Canopies, marquees and posters are also considered as signs for the purposes of this by-law.
- 2.1.19.0.0 **Sign Area:** means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border, shall include all the areas of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign.
- 2.1.20.0.0 **Street or Highway:** means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance.
- 2.1.21.0.0 **Street Line:** means the limit of the street or highway allowance and is the dividing line between a lot and a street.
- 2.1.22.0.0 **Temporary Sign:** means an advertising device or sign that is not permanently erected or affixed to the ground, on to a building or other structure including but not limited to plastic bag signs, corrugated plastic signs and other portable signs designed for short term advertising but does not include an A-Frame sign or Mobile sign.
- 2.1.23.0.0 **Third Party:** advertising which identifies or provides information on goods, products, services or facilities that are not available at the location where the advertising device or signs is located.
- 2.1.24.0.0 **Trailer:** means a vehicle or device that is intended to at any time be drawn, temporarily drawn, propelled or moved upon a highway by a motor vehicle and for the purposes of this by-law shall include but not be limited to a wagon, implement of husbandry, trailer designed for recreational purposes or commercially registered vehicle or trailer.
- 2.1.25.0.0 **Vacant Lot:** means a lot upon which there are no permanent buildings or structures.
- 2.1.26.0.0 **Wall Sign:** means any advertising device or sign attached by any means to the wall of a building.
- 3.0.0.0.0 **ADMINISTRATION**
- 3.1.0.0.0 **Applications:**
- 3.1.1.0.0 Subject to the provisions of this by-law, no person or persons shall erect, display or alter or cause to be erected, displayed or altered or permit to be erected, displayed or altered, any mobile or poster panel without first having obtained a Sign Permit and, before issuance of the Sign Permit, all fees shall be paid and the plans and specifications shall be inspected and approved for conformity to this by-law and the *Building Code Act, S.O. 1992, c. 23* and regulations pertaining thereto, as may be amended. Before issuance of a building permit, for any sign, all fees shall be paid and the plans and specifications shall be inspected and approved for conformity the *Building Code Act, S.O. 1992, c. 23* and regulations pertaining thereto, as may be amended and to this by-law.
- 3.1.2.0.0 Neither the granting of a permit nor the review of the plans and specifications nor inspections made by the City of Barrie shall in any way relieve the owner of a mobile or poster panel sign or the owner of the land upon which the mobile or poster panel sign is located or any other person from full responsibility for carrying out the work or causing or permitting the work to be carried out to erect, display or alter mobile or poster panel signs in complete accordance with the requirements of this by-law and other by-laws or legislation applicable to such sign.

- 3.1.3.0.0 No person shall make application for a Sign Permit who is not the owner of the land upon which the sign is to be erected or displayed, or a tenant of the land, who shall provide written permission from the owner of the land, or an agent of the owner or tenant, who shall provide the written permission of the owner and the tenant of the land. No person shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a Sign Permit, including detail in plans and specifications.
- 3.1.4.0.0 No person shall work or authorize or permit work to proceed on any mobile or poster panel for which a permit is required and which was not obtained.
- 3.1.5.0.0 An applicant for a Sign Permit shall be responsible for ensuring that the application for the Sign Permit is made in sufficient time to allow a thorough examination of the submitted documents and to permit any necessary amendments, inspections or the approval of all governing authorities prior to the date intended for the commencement of the work to erect, display or alter the mobile or poster panel sign.
- 3.1.6.0.0 Every application for a Sign Permit shall:
- 3.1.6.1.0 identify and describe in detail the mobile or poster panel to be erected, displayed or altered;
- 3.1.6.2.0 describe the land, including assessment roll number, upon which the mobile or poster panel is to be erected, displayed or altered, by street address or other equivalent description which will readily identify and specifically locate the lands upon which such sign is to be erected or displayed;
- 3.1.6.3.0 be accompanied by plans and specifications, in duplicate, of sufficient detail and quality as is necessary to ascertain whether or not the mobile or poster panel sign will be in compliance with this by-law and the *Building Code Act, S.O. 1992, c. 23* and regulations pertaining thereto, as may be amended, and any other applicable legislation;
- 3.1.6.4.0 state the full names, addresses and telephone numbers of the owner of the land upon which the mobile or poster panel is to be erected, displayed or altered, and any tenant or occupant of the lands, the applicant, the owner of the sign (if the owner is not the owner of the lands), the designer of the sign, the contractor, if applicable, including the addresses of any head offices for any corporate entities, and the names, addresses and phone numbers for such corporate entities;
- 3.1.6.5.0 be accompanied by payment of the required fee in accordance with Fees By-law;
- 3.1.6.6.0 be accompanied by any required approvals from any other required authorities.
- 3.1.7.0.0 The permit referred to above shall expire if the work to erect, display or alter the mobile or poster panel sign is not completed within 180 days from the date of issuance of the Sign Permit. This shall not apply to a-frame signs.
- 3.1.8.0.0 A change in the message displayed on the sign does not in itself constitute an alteration so as to require a permit unless such change does not pertain to the permit holder.
- 4.0.0.0.0 **ISSUANCE OF PERMIT**
- 4.1.0.0.0 A Sign Permit will be issued once it has been satisfied that:
- 4.1.1.0.0 the application has been received properly completed and fully executed;
- 4.1.2.0.0 the required fees have been paid; and
- 4.1.3.0.0 the plans and specifications for the mobile or poster panel sign for which the application has been made complies with this by-law and all other applicable legislation.
- 5.0.0.0.0 **FEES**
- 5.1.0.0.0 Prior to the issuance of any Sign Permit including but not limited to permits for Mobile Signs or Poster Panel Signs, all applicable fees as set out in the Fees By-law shall be paid.

6.0.0.0.0 **REVOCATION OF PERMIT**

6.1.0.0.0 A permit may be revoked under the following circumstances:

6.1.1.0.0 where the sign does not conform to this by-law; or

6.1.2.0.0 where the sign does not conform to any regulation, law or requirement of any governmental authority having jurisdiction in the area where the sign is situated; or

6.1.3.0.0 where the permit has been issued as the result of false or misleading statements or undertakings in the application for permit; or

6.1.4.0.0 where the sign erected does not conform with the application, plans or specifications upon which the permit was issued.

6.1.5.0.0 where the message contained on the sign no longer advertises or identifies a good, service, product sold or offered for sale by the permit holder and for which the permit was issued.

7.0.0.0.0 **INSPECTION**

7.1.0.0.0 It is a condition of issuance of the Sign Permit that the applicant, the owner and occupant of the lands upon which any sign is erected or placed according to an issued Sign Permit shall, at any reasonable time, allow any Officer to enter onto any lands for the purpose of carrying out an inspection to determine whether or not the construction, erection, maintenance, display, alternation, repair, placement or removal of a sign in order to ensure compliance with this by-law and any other applicable legislation.

8.0.0.0.0 **APPROVALS FROM OTHER AUTHORITIES**

8.1.0.0.0 No sign may be placed in such a position that any part of it is nearer than three (3) metres to any fire hydrant, telephone, telegraph or electric wire other than those to illuminate or operate the sign, without the applicant for the sign first obtaining permission in writing from the authority having jurisdiction over same.

8.2.0.0.0 No sign may be placed in such a position that such sign would contravene any other applicable legislation.

9.0.0.0.0 **INDEMNITY**

9.1.0.0.0 The applicant for a Sign Permit and the owner and occupant of lands upon which any sign is erected or placed shall, as a condition of the issuance of the Sign Permit, be jointly and severally responsible to indemnify The Corporation of the City of Barrie and its officers, employees, servants, agents, contractors and sub-contractors from all loss, damage, cost, expense, claim, demand, action, suit or other proceeding of every nature and kind arising from and in consequence of the construction, erection, maintenance, display, alteration, repair, placement or removal of any sign.

10.0.0.0.0 **LIABILITY**

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

11.0.0.0.0 **PROHIBITED SIGNS**

11.1.0.0.0 No person shall erect, or cause or permit to be erected on any lands or premises any of the following types of signs, except as may be authorized by the City:

11.1.1.0.0 signs which include in any manner any flashing illumination which varies in intensity and signs which have any visible moving parts or visible mechanical movement of any description;

- 11.1.1.1.0 notwithstanding section 11.1.1.0.0, signs which indicate time or temperature shall be permitted provided that such sign is not prohibited by any other provisions of this by-law;
- 11.1.1.2.0 notwithstanding sections 11.1.1.0.0 and 11.1.1.1.0, electronic message boards or digital displays containing motion, flashing or variances in intensity placed within a building, business or other premise and clearly visible to the exterior to pedestrians, vehicular traffic or other passersby shall not be permitted;
- 11.1.2.0.0 signs which, by reason of size, location, or illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which are located in a sight triangle; or
- 11.1.3.0.0 signs not erected by a public authority which make use of words such as “STOP”, “LOOK”, “ONE WAY”, “DANGER”, “YIELD”, or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic; or
- 11.1.4.0.0 signs located so as to obstruct or impede any required fire route, fire escape, fire exit, door, window etc., or so as to prevent or impede access of firefighters to any part of a building; or
- 11.1.5.0.0 signs on or over municipal lands other than City official signs, unless placed in accordance with this by-law; or
- 11.1.6.0.0 signs painted on, attached to or supported by a tree, stone or other natural object, or to a boundary fence, safety railing; or
- 11.1.7.0.0 signs painted on, attached to or supported by a utility pole other than City official signs or unless placed in accordance with this by-law; or
- 11.1.8.0.0 signs which are obsolete and no longer advertise a business conducted or a product sold; or
- 11.1.9.0.0 signs erected in part or entirely above the surface of the roof of a building or structure with the exception of a wall sign attached to a parapet wall or cupola that may extend above the roof line provided that such sign does not extend above the limits of the parapet wall or cupola; or
- 11.1.10.0.0 signs affixed, attached or painted on a motor vehicle or trailer;
- 11.1.10.1.0 notwithstanding section 11.1.10.0.0, signs affixed, attached or painted on a commercially registered motor vehicle or trailer where said motor vehicle or trailer is functioning in weekly operation for the transportation of goods or products or to provide a service as the motor vehicle or trailer was intended, shall be permitted;
- 11.1.11.0.0 signs erected, placed, painted on or attached to a wall of a building that advertises, identifies or provides information on goods, products, service or facilities that are not available at the location where the sign is situated.
- 11.1.12.0.0 signs which advertise, or are deemed by the City Clerk or designate to portray an unlawful activity, or which contains any profanity or obscenity or other message that may be offensive or discriminatory as defined in the *Ontario Human Rights Code*.
- 12.0.0.0.0 **GENERAL PROVISIONS**
- 12.1.0.0.0 **POSTER PANEL SIGNS**
- 12.1.1.0.0 **Areas where Poster Panel Signs are Permitted:**
- 12.1.1.1.0 Poster panel signs are permitted in all vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to the Zoning By-law.
- 12.1.2.0.0 **Number of Poster Panel Signs Permitted:**
- 12.1.2.1.0 No more than one (1) poster panel sign is permitted to be located on any vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to the Zoning By-law.
- 12.1.3.0.0 **Maximum Height and Area for Poster Panel Signs:**
- 12.1.3.1.0 No poster panel sign shall:
- 12.1.3.1.1 exceed 7.5m in height measured from the finished level at the base of the supporting structure at grade;

- 12.1.3.1.2 exceed a maximum sign area of 20.0 square metres for any single face or exceed a total area of 40.0 square metres for all faces combined.
- 12.1.4.0.0 **Setbacks for Poster Panel Signs:**
- 12.1.4.1.0 Every poster panel sign shall be set back a minimum of:
- 12.1.4.1.1 15.0m from all City property lines;
- 12.1.4.1.2 15.0m from any private property line;
- 12.1.4.1.3 3.0m from any driveway;
- 12.1.4.1.4 500.0m from any other poster panel sign located on the same side of the street;
- 12.1.4.1.5 100.0m from any land zoned residential.
- 12.1.4.1.6 notwithstanding the above, every poster panel sign shall comply with section 8.1.0.0.0 of this by-law.
- 12.1.5.0.0 **Exemption for Third Party Poster Panel Signs for Subdivisions:**
- 12.1.5.1.0 Third party poster panel signs indicating new subdivisions are exempt from poster panel provisions of this By-law, but remain subject to the remaining provisions of this By-law and to any other applicable legislation. Such signs shall be removed forthwith upon completion of construction of the subdivision.
- 12.1.6.0.0 **Digital Display/Electronic Message Board Poster Panel Signs:**
- 12.1.6.1.0 Digital Display/Electronic Message Board Poster Panel sign faces are permitted to be on or incorporated within a Poster Panel sign which is erected, located or displayed in accordance with this by-law subject to the following:
- 12.1.6.1.1 the intensity of an illumination of the digital display / electronic message board shall be maintained at a constant level and depict only static images that do not contain any motion, animation, flashing or scrolling;
- 12.1.6.1.2 notwithstanding section 12.1.6.1.1 Digital Display/Electronic Message Board Poster Panel signs must be equipped with functioning automatic dimming technology which will automatically adjust the intensity of the illumination in direct correlation with the ambient light conditions.
- 12.1.6.1.3 the intensity of an illumination of the digital display / electronic message board shall not exceed 6,000 nits during the period between sunrise and sunset and further shall not exceed 500 nits during the period between sunset and sunrise, as provided by industry standards and may be amended from time to time;
- 12.1.6.1.4 advertisements will have a minimum dwell time (time on the ad) of 8 seconds and an average transition time (time to change ad) of 1 second.
- 12.2.0.0.0 **MOBILE SIGNS**
- 12.2.1.0.0 **General:**
- 12.2.1.1.0 Every mobile sign shall bear at minimum, in a visible location on such sign, the name and telephone number of the owner of the sign.
- 12.2.1.2.0 No mobile sign shall require either inspection or approval for conformity with the *Building Code Act, S.O. 1992, c.23* and regulations made thereto; and
- 12.2.1.3.0 No third party mobile signs are permitted to be located on any lands.
- 12.2.1.4.0 Every mobile sign shall comply with all other provisions of this by-law as may be applicable.
- 12.2.2.0.0 **Areas where Mobile Signs are Permitted:**
- 12.2.2.2.0 Mobile signs are permitted in all areas zoned Commercial, Industrial and Institutional, according to the Zoning By-law.
- 12.2.2.2.1 Notwithstanding section 12.2.2.2.0, mobile signs shall be permitted to be placed at places of worship in all areas zoned residential.

- 12.2.3.0.0 **Number of Mobile Signs Permitted:**
- 12.2.3.1.0 No more than one (1) mobile sign is permitted to be located on any lot zoned Commercial, Industrial or Institutional according to the Zoning By-law.
- 12.2.3.2.0 Notwithstanding the above,
- 12.2.3.2.1 one (1) additional mobile sign may be erected on a lot having a street frontage of greater than 125.0m;
- 12.2.3.2.2 where a lot abuts two or more streets, one (1) additional mobile sign may be erected on each street frontage provided that the said street frontage is greater than 15.0m;
- 12.2.3.2.3 one (1) additional mobile sign may be erected on a lot containing more than 20 business premises; and
- 12.2.3.2.4 The owners of commercial or industrial property shall be exempt from the provisions of the Sign By-law to permit any number of mobile signs to be placed on private property within a road construction area, if the duration of such road construction is expected to exceed 30 consecutive days, and as approved by the Engineering Department without a mobile sign permit or payment of any associated fee and to permit such signs to remain for the duration of the construction period and to be immediately removed upon completion of the project, subject to compliance with all other provisions of this by-law.
- 12.2.4.0.0 **Maximum Height and Area for Mobile Signs:**
- 12.2.4.1.0 No mobile sign shall:
- 12.2.4.1.1 exceed 2.5 m in height measured from the finished level at the base of the sign;
- 12.2.4.1.2 exceed a maximum sign area of 5.0 square metres for any single face or exceed a total area of 10.0 square metres for all faces combined.
- 12.2.5.0.0 **Setbacks and locations for Mobile Signs:**
- 12.2.5.1.0 Every mobile sign shall be located entirely on private property and shall be set back a minimum of:
- 12.2.5.1.1 15.0m from any other mobile sign located on the same or adjacent lot;
- 12.2.5.1.2 1.5m from a driveway, aisle, walkway or parking space;
- 12.2.5.1.3 1.0m from the City property line;
- 12.2.5.1.4 1.5m from any private property line;
- 12.2.5.1.5 1.5m from any permanent sign;
- 12.2.5.2.0 and shall:
- 12.2.5.2.1 not be located in a sight triangle;
- 12.2.5.2.2 notwithstanding the above, every mobile sign shall comply with section 8.1.0.0.0 of this by-law.
- 12.2.6.0.0 **Time Limits for Mobile Signs:**
- 12.2.6.1.0 Sign permits for mobile signs shall be issued in time increments of thirty (30) or ninety (90) days ("occasions").
- 12.2.6.2.0 The applicant of a Sign Permit under this Section, shall be permitted to display a mobile sign to a maximum of 180 days in any calendar year. Each occasion requires a separate permit and there shall be a minimum of 30 days between the expiration of one permit and the issuance of the next.
- 12.3.0.0.0 **GROUND SIGNS**
- 12.3.1.0.0 **Maximum Height for Ground Signs:**
- 12.3.1.1.0 No ground sign shall:
- 12.3.1.1.1 exceed 7.5 m in height measured from the finished level at the base of the supporting structure at grade;

- 12.3.2.0.0 **Setbacks for Ground Signs:**
- 12.3.2.1.0 Every ground sign shall be set back a minimum of:
- 12.3.2.1.1 1.0m from any City property line;
- 12.3.2.1.2 1.5m from any private property line;
- 12.3.2.1.3 1.5m from any driveway, aisle or walkway or parking space;
- 12.3.2.1.4 1.5 m from any other ground sign located on the same side of the street;
- 12.3.2.1.5 6.0m from the private property line where an adjacent lot contains a residential use;
- 12.3.2.1.6 notwithstanding the above, every ground sign shall comply with section 8.1.0.0.0 of this by-law.
- 12.3.3.0.0 No ground sign shall be located within the sight triangle of a corner lot.
- 12.3.4.0.0 **Landscape Treatment for Ground Signs:**
- 12.3.4.1.0 Ground signs shall include soft landscape treatment at the base of the sign or supporting structure. The boundaries of such sign shall be defined by a line measuring a minimum of 1.0m from all sides of the sign or supporting structure.
- 12.3.5.0.0 **Digital Display / Electronic Message Board**
- 12.3.5.1.0 For the purposes of this section only:
- 12.3.5.1.1 Digital Display / Electronic Message Boards are permitted to be on or incorporated within a ground sign which is lawfully erected, located or displayed subject to the following:
- 12.3.5.1.2 a maximum of 50% of the overall sign area may be used for the purpose of a digital display / electronic message board;
- 12.3.5.1.3 the intensity of illumination of the digital display / electronic message board shall be maintained at a constant level and there shall be no flashing or variation in colour;
- 12.3.5.1.4 notwithstanding section 12.3.5.1.3 the digital display / electronic message board must be equipped with functioning automatic dimming technology which will automatically adjust the intensity of the illumination in direct correlation with the ambient light conditions;
- 12.3.5.1.5 advertisements will have a minimum dwell time (time on the ad) of 8 seconds and an average transition time (time to change ad) of 1 second;
- 12.3.5.1.6 a maximum of one (1) ground sign containing a digital display / electronic message board may be permitted per lot or property;
- 12.3.5.1.7 notwithstanding section 12.3.5.1.4, where a lot abuts two or more streets, one (1) ground sign containing an digital display / electronic message board may be erected on each street frontage provided that the said street frontage is greater than 15.0m.
- 12.4.0.0.0 **A-FRAME SIGNS**
- 12.4.1.0.0 **General:**
- 12.4.1.1.0 Every commercial, industrial and institutional business or premise is permitted to erect a maximum of one (1) A-Frame sign on the property of said business or premise.
- 12.4.1.1.1. No third party A-Frame signs shall be permitted to be erected on any lands.
- 12.4.1.2.0 Every A-Frame sign must be removed to an indoor location no later than the time of closing of the business in each day and not replaced until the opening of the business the next day.
- 12.4.1.3.0 No A-Frame sign shall require an inspection or approval for conformity with the *Building Code Act, S.O. 1992, c.23*.

- 12.4.2.0.0 **Maximum Height and Sign Face Area:**
- 12.4.2.1.0 Each A-Frame sign shall have a maximum height of 1.25m above grade and a maximum single sign face area of .77 square metres and a maximum total sign face area of 1.54 square metres.
- 12.4.3.0.0 **Location and Setback:**
- 12.4.3.1.0 Every A-Frame sign shall be:
- 12.4.3.1.1 located entirely on private property;
- 12.4.3.1.2 not permitted within an entrance, parking space or aisle;
- 12.4.3.1.3 set back a minimum of 1.0m from any City or private property line;
- 12.4.3.1.4 when located on a private sidewalk or walkway within private property, be placed in such a way as to allow a minimum clearance of 1.2m to allow pedestrians to pass.
- 12.4.4.0.0 **Exceptions to Prohibitions for A-Frame Signs:**
- 12.4.4.1.0 Notwithstanding Section 12.4.3.1.1 (regarding location on private property), and Section 12.4.3.1.3 (minimum setback), A-Frame signs are permitted on the untravelled portion of a street or highway for businesses located within the Downtown Business Improvement Area Special Sign District, subject to the following:
- 12.4.4.1.1 one (1) A-Frame sign only is permitted per business premise;
- 12.4.4.1.2 the business premise must be located in a building whose main front wall is located immediately adjacent to or within 1.5m of the municipal road allowance upon which the A-Frame sign is to be located;
- 12.4.4.1.3 such sign shall be located flush or parallel with the main front wall of the building and shall not be located where it would obstruct the view of drivers of vehicles on the street or highway or the movement of pedestrians on a sidewalk. Where such sign is located on a sidewalk, there shall be a minimum clearance of 1.2m to allow pedestrians to pass.
- 13.0.0.0.0 **MAINTENANCE OF SIGNS**
- 13.1.0.0.0 The owner, lessee or agent of the land upon which any mobile, poster panel, ground or a-frame sign is located and the owner and lessee of the sign, if different, shall maintain, or cause such sign to be maintained in a proper state of repair so that such sign or advertising device does not become unsafe, unsightly, dangerous or defective and so that such sign shall be completely operative at all times.
- 14.0.0.0.0 **SIGNS ON MUNICIPAL PROPERTY**
- 14.1.0.0.0 **General Prohibition, with Exceptions:**
- 14.1.1.0.0 No sign is permitted to be placed or erected, permitted to be placed or erected, or caused to be placed or erected on any municipal lands, including on any streets or highways, unless authorized to do so with exception of the following:
- 14.1.1.1.0 signs erected by The Corporation of the City of Barrie, the Province of Ontario, or the Government of Canada;
- 14.1.1.2.0 signs located or painted on what are commonly known as bus shelters, park benches or waste receptacles located on municipal lands or on a public highway, unless authorized to do so;
- 14.1.1.3.0 signs fastened to Community Bulletin Boards, as described in Section 20.0.0.0.0;
- 14.1.2.0.0 Temporary private signs associated with special events sponsored or approved by the City in City parks, subject to the following:

- 14.1.2.1.0 a maximum of two (2) special event signs advertising an upcoming City sponsored or City approved event in accordance with the provisions of the Special Event Guidelines shall be permitted per park. Each such sign shall have a maximum sign area of 5.0 square metres and a maximum total sign area of 10.0 square metres, all sides combined. No such sign shall be placed earlier than three weeks prior to the special event and shall be removed within 48 hours following the event. Such signs shall be placed in a location approved by the City, but shall not be located in a parking space, aisle, driveway or sight triangle or within 3.0m of a driveway or within 1.0m of a municipal road allowance.
- 14.1.3.0.0 Any additional signage associated with the special event is permitted provided that such signage is erected no sooner than 48 hours prior to commencement of the special event and is removed no later than 48 hours following the end of the special event. Only signage directly related to the event, its sponsors, participants or exhibitors is permitted.
- 14.1.4.0.0 Newspaper, magazine and periodical dispensing boxes, subject to the provisions of the Business Licensing by-law as amended from time to time.
- 15.0.0.0.0 **PULLING DOWN AND REMOVAL OF UNLAWFUL SIGNS**
- 15.1.0.0.0 Where a sign is erected or displayed or altered in contravention of this by-law such sign may be pulled down or removed by the City in a manner stated in this by-law.
- 16.0.0.0.0 **REMOVAL OF UNLAWFUL SIGNS PLACED ON OR OVER MUNICIPAL LAND**
- 16.1.0.0.0 The City may remove any sign placed, in contravention of this by-law on or over municipal lands, immediately without notification to the owner or apparent owner of the sign.
- 17.0.0.0.0 **REMOVAL OF UNLAWFUL SIGNS FROM PRIVATE PROPERTY**
- 17.1.0.0.0 Where a sign is erected or displayed or altered in contravention of any provision of this By-law the City may forward a Notice by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed, to the applicant, the owner of the sign, the owner of the place at which the sign is located or the tenant of the place at which the sign is located if known, requiring that the illegal sign be permanently removed and thereafter not to be replaced with any sign in contravention of this By-law, or be made to comply with this By-law not later than the time stipulated in the Notice.
- 17.2.0.0.0 In the event that a Notice is sent and the sign indicated in the Notice is not removed, repaired or altered to comply with the provisions of this By-law, the City, its employees or agents may enter upon the property and remove, repair or alter the sign immediately without further notification.
- 18.0.0.0.0 **RECOVERY OF COSTS FOR REMOVAL, STORAGE AND DISPOSAL**
- 18.1.0.0.0 Where the City removes a sign, a Notice shall be forwarded by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed, to the applicant, the owner of the sign, the owner of the place at which the sign is located or the tenant of the place at which the sign is located indicating that the illegal sign has been removed by the City and that said sign will be stored and disposed of by the City in accordance to the provisions of Section 19.1.0.0.0. The Notice shall further indicate that the sign may be reclaimed by the owner within the time period prescribed and upon payment to the City the cost of pulling down, removal and storage of the sign.
- 18.2.0.0.0 Where the City removes a sign and Notice has been provided as set out in Section 18.1.0.0.0, the owner shall submit payment of all fees associated with the removal, storage and disposal of each sign as set out on the Notice provided within 30 days of receipt. All costs and charges incurred by a municipality for the removal, care and storage of a sign that is erected or displayed in contravention of this by-law shall be considered a lien on the advertising device that may be enforced by the municipality under the Repair and Storage Liens Act.
- 18.3.0.0.0 Notwithstanding sections 18.1.0.0.0 or 18.2.0.0.0, any costs related to the removal, storage and disposal of any sign, shall be paid by the owner or apparent owner of the sign whether or not such sign is reclaimed.

19.0.0.0.0 **STORAGE AND DISPOSAL BY THE CITY OF UNLAWFUL SIGNS REMOVED**

19.1.0.0.0 Any sign removed by the City shall be stored for a minimum period of thirty (30) days from the date of removal. The owner of such sign may, within thirty (30) days of such sign being removed, and upon payment to the City the costs related to the pulling down, removing, storing and transporting the sign, reclaim such sign.

19.2.0.0.0 Where a sign has been removed by the City and stored for a period of thirty (30) days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of by the City with no further notification or obligation to the owner of such sign.

19.3.0.0.0 Notwithstanding the provisions of the Fees By-law, as updated from time to time, where a sign is erected or displayed on private or public property in contravention of this by-law and such sign is of such a design or erected or displayed in such a manner that the cost of pulling down, removing, storing and transporting the sign exceeds a cost set out in the Fees By-law, such costs shall be paid by the owner of the sign whether or not such sign is reclaimed. For the purpose of A-frame signs, the recovery fee as set out in the Fees By-law, as updated from time to time, shall continue to be applied.

20.0.0.0.0 **COMMUNITY BULLETIN BOARDS**

20.1.0.0.0 **Regulations Regarding Fastening of Poster Signs:**

20.1.1.0.0 The Corporation of the City of Barrie shall maintain Community Bulletin Boards at locations authorized from time to time by the Clerk of The Corporation of the City of Barrie, within the City of Barrie for the purpose of placement of poster signs subject to the following conditions:

20.1.1.1.0 no poster sign shall be printed on material other than paper;

20.1.1.2.0 no poster sign shall exceed .36m in width or .54m in length;

20.1.1.3.0 every poster sign shall clearly display on its face, the date that it was first erected and the name and telephone number of the person erecting the poster or causing it to be erected;

20.1.1.4.0 no poster sign shall remain posted for more than 30 days after the date it was first displayed or erected;

20.1.1.5.0 despite the above, where the poster sign refers to a specific event, the poster sign shall be removed by the person who erected it or caused it to be erected, within 72 hours following the date of the event to which the poster sign refers;

20.1.1.6.0 no more than one (1) poster sign for each event shall be fastened per Community Bulletin Board.

20.2.0.0.0 **Removal of Offensive, Inappropriate or Unlawful Poster Signs:**

20.2.1.0.0 The City may, at its sole discretion, remove without notice, any poster sign which has been determined is for an unlawful activity, or contains profanity or obscenity or other message that may be offensive or discriminatory as defined in the *Ontario Human Rights Code* or is otherwise posted contrary to section 20.0.0.0.0.

21.0.0.0.0 **NON-CONFORMING OR UNSAFE SIGNS**

21.1.0.0.0 **Unsafe Signs:**

21.1.1.0.0 Where, in the opinion of the Chief Building Official or a Municipal Law Enforcement Officer, a sign is deemed to be unsafe, notice shall be sent by registered mail or delivered in person to the last known address of the owner of the lands upon which the sign is located, or to the owner of the sign, if known, or to the occupants of the premises at which the sign is located, specifying the unsafe nature of the sign and directing that the sign be repaired to the satisfaction of the Chief Building Official or a Municipal Law Enforcement Officer or be removed from the lands, and shall include time limits for taking such action.

- 21.1.2.0.0 Upon receipt of such notice, the owner of the lands, the owner of the sign, or the occupant of the premises at which the sign is located shall either repair the sign in accordance with the notice, or remove the sign within the time limit set out in the notice. If the owner of the lands, or the owner of the sign, or the occupant of the premises at which the sign is located fails to comply with the requirements of such notice, then the Chief Building Official or a Municipal Law Enforcement Officer may order such removal or repair to be carried out and the cost of such work may be recovered from the owner of the land in a like manner as municipal taxes.
- 21.2.0.0.0 **Non-Conforming Signs:**
- 21.2.1.0.0 Prior to the passage of By-law 99-36 on February 8, 1999, any sign legally located, in accordance with all other by-laws and legislation enforceable in the City of Barrie on or before the day of the enactment of this Section may remain and continue to be used and maintained notwithstanding that it does not conform with the applicable provisions of this section provided that such sign shall not be altered or relocated for any reason whatsoever, unless such sign is then brought into conformity with the provisions of this section in all respects.
- 21.2.2.0.0 If any such sign is not brought into conformity with the provisions of this by-law in all respects, such sign shall then become a sign which shall be subject to the provisions of this by-law.
- 21.3.0.0.0 **EXEMPTIONS**
- 21.3.1.0.0 In accordance with Resolution 05-G-570, Barrie Nissan, 630 Veterans Drive, Barrie is granted an exemption to permit the erection of a ground sign exceeding the permitted height of 7.5 meters by 0.48 meters.
- 22.0.0.0.0 **MISCELLANEOUS PROVISIONS**
- 22.1.0.0.0 Community service signs are restricted to a maximum size of 0.25 square meters. These signs must be located within the building, being placed on the inside of a window. Every dwelling unit, as defined in the Zoning By-law, shall be permitted to display a maximum of two community Service Signs.
- 22.2.0.0.0 Signs not exceeding 0.5 square meters in sign face area, being real estate signs are permitted on lands zoned residential.
- 22.3.0.0.0 A single non-illuminated, non-motion sign with a maximum face area of 0.2 square meters shall be permitted to be located only on the main building, as defined in the Zoning By-law containing a municipally licensed or approved home occupation.
- 22.4.0.0.0 Election signs are permitted when erected or displayed in accordance with the Election Sign By-law as amended from time to time.
- 23.0.0.0.0 **MINIMUM STANDARDS**
- 23.1.0.0.0 The standards contained in this section are minimum standards only and in no way reduce the more stringent standards which may be contained in any Site Plan Agreement executed in accordance with the provisions of the *Planning Act*.
- 24.0.0.0.0 **CONFLICTS**
- 24.1.0.0.0 Where there is a conflict between the provisions of this by-law and any by-law of The Corporation of the City of Barrie regulating signage, the provisions of the more restrictive enactment shall prevail.

26.0.0.0.0 **MINOR VARIANCE**

26.1.0.0.0 The Clerk of the Corporation may grant variances to this by-law from time to time as is deemed necessary providing that the variance is minor in nature and such variance does not erode or interfere with the integrity of this by-law.

27.0.0.0.0 **ENFORCEMENT**

27.1.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

27.2.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual may, at any reasonable time, enter on any lands for the purpose of carrying out an inspection to determine compliance with this by-law or any other applicable legislation.

27.3.0.0.0 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

28.0.0.0.0 **PENALTY**

28.1.0.0.0 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

28.2.0.0.0 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

28.3.0.0.0 Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

28.4.0.0.0 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

28.5.0.0.0 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

28.5.1.0.0 Notwithstanding Section 23.3.0.0.0, and in accordance with the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

29.0.0.0.0 **FORCE AND EFFECT**

29.1.1.0.0 This By-law shall come into force and effect on May 1, 2018.

READ a first and second time this 26th day of March, 2018.

READ a third time and finally passed this 26th day of March, 2018

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – WENDY COOKE