

THE CORPORATION OF THE CITY OF DRYDEN

BY-LAW NUMBER 2024-24

BEING A BY-LAW TO PROVIDE FOR THE ESTABLISHMENT OF REGULATIONS CONCERNING SIGNS WITHIN THE CITY OF DRYDEN.

WHEREAS section 5 (1) of the Municipal Act, 2001, as amended, herein referred to as the "Act", provides that the powers of a municipality shall be exercised by Council; and,

WHEREAS section 5 (3) of the Act, provides that a municipal power, including a municipality's capacity, rights, powers, and privileges under section 9 of the Municipal Act, 2001, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

WHEREAS section 10 (1) of the Act, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and,

WHEREAS section 10 (2) of the Act, provides that a single-tier municipality may pass by-laws respecting matters concerning structures, including fences and signs; and,

WHEREAS section 99 (3) of the Act provides for a municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law; and,

WHEREAS the Council of The Corporation of The City of Dryden deems it necessary and expedient that a by-law establishing regulations concerning signs in the City of Dryden be adopted.

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

1. Title.

This by-law may be known and cited as the "Sign By-Law."

2. Definitions.

- A. For the purpose of this by-law, the definitions and interpretations given in this section shall govern.
- B. In this by-law, the word "shall" is mandatory.
- C. Reference to provincial legislation shall mean Ontario Legislation, S.O. 2001, and includes the Municipal Act, 2001, S.O. 2001, c. 25 both as amended and revised from time to time, or any legislation enacted in substitution therefor.

APARTMENT BUILDING – A building containing three or more dwelling units sharing a common corridor or stair well.

APARTMENT DEVELOPMENT – Two or more apartment buildings on one property or owned or managed as a single development.

BUILDING INSPECTOR – Building Inspector or Chief Building Official, or their designate, appointed by by-law of The Corporation of The City of Dryden.

CANDIDATE – Shall have the same meaning as in the Canada Elections Act S.C. 2000, c. 9, the Ontario Election Act R.S.O. 1990, c. E 6, or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include any qualified individual, corporation or trade union registered to seek to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.

CANOPY – That portion of a building which projects for the purpose of giving cover at an entrance and which may or may not have signs thereon.

COMMERCIAL BUILDING – A building containing commercial uses.

COMMERCIAL ZONE – Includes any zone that has the word "commercial" in the zone title, as designated by the Zoning By-Law.

CORPORATION – The Corporation of The City of Dryden.

DWELLING UNIT – A dwelling as defined by the Zoning By-Law.

FRONTAGE – The measurement of a property abutting a street line.

INDUSTRIAL ZONE – Includes any zone that has the word "industrial" in the zone title, as designated by the Zoning By-Law.

INSTITUTIONAL ZONE – Includes any zone that has the word "institutional" in the zone title, as designated by the Zoning By-Law.

MARQUEE – An attachment to a building which projects from the building for the usual purpose of giving cover and which may or may not have advertising signs thereon.

MUNICIPAL BY-LAW OFFICER – An individual appointed by by-law by the Corporation of the City of Dryden to enforce municipal by-laws.

OPEN SPACE ZONE – An open space zone as designated by the Zoning By-Law.

PROPERTY LINE – A line dividing one property from another property.

PUBLIC UTILITY POLE – A pole owned or controlled by an entity which provides a municipal or public utility service, including the City of Dryden, Bell Canada, Hydro One and any subsidiaries thereof.

RESIDENTIAL ZONE – Includes any zone that has the word "residential" in the zone title, as designated by the Zoning By-Law.

ROAD ALLOWANCE – The allowance for a public road and includes the travelled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards, and sidewalks.

SIDEWALK – A public sidewalk and shall not include a sidewalk located on private property.

SIGHT TRIANGLE – The triangle space formed by intersecting street lines, or a corner lot and a line drawn from a point on one of the street lines to a point on the other street line, each point being measured nine (9) metres from the point of the intersection of the street lines.

SIGN – Includes an advertising device or notice and means any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, or advertising purposes.

SIGN, BENCH – Any sign that is painted, placed, or attached to a bench.

SIGN, CARTOP – Any sign that is displayed on top of a vehicle.

SIGN, ELECTION – Any type of sign:

- (1) That promotes, directly or indirectly, the candidacy of any person for election held in accordance with the Canada Elections Act, 2000, c. 9, the Elections Act, R.S.O. 1990, c. E.6, Municipal Elections Act, S.O. 1996, and the Education Act, R.S.O. 1990, c. E.2, as amended from time to time.
- (2) That is intended to influence persons to vote for or against any question or by-law submitted to electors under section 8 of the Municipal Elections Act, S.O. 1996.

SIGN, ENCROACHING – Any sign which hangs over or encroaches upon any street and includes any device used as support for such sign.

SIGN FACE – That portion of the sign, excluding the sign structure, upon which, as part of, against or through which the message of the sign is displayed.

SIGN, GROUND – A sign directly supported by the ground without the aid of any other building or structure, other than the sign structure.

SIGN HEIGHT – The vertical distance from the surrounding grade to the top of the sign, including the border frame or support poles where applicable.

SIGN, IDENTIFICATION – A sign, including in whole or in part, only the name, address, and telephone number of the premises, including any insignia related thereto, plus the name, address, and telephone number of the owner and/or manager of the premises.

SIGN, MOBILE – A sign not exceeding 6.7 square metres in area and 3.0 metres in height and situated on the ground but not permanently affixed thereto and, without restricting the generality of the foregoing, is deemed to include signs that may be moved from place to place.

SIGN, PROJECTING – A sign attached and perpendicular to the main wall of a building.

SIGN, PUBLIC INFORMATION – Any of the following signs:

- (1) Signs erected by or for a government agency.
- (2) Signs designating public hospitals, churches, schools operated by a public school board or an ecclesiastical authority other than a nursery school, a public library, a community centre or arena or other government uses.
- (3) Signs erected within parks, stadia, or playgrounds for use as scoreboards or timers.
- (4) Signs erected within stadia (arenas, ball diamonds, soccer fields, etc.).
- (5) Signs erected for the purpose of indicating the status of contributions toward community projects.
- (6) Signs erected for the purpose of promoting community festivals and events sponsored by the Council and any local board thereof, and by the Dryden District Chamber of Commerce.

SIGN, REAL ESTATE – A sign advertising the sale or rental of property upon which the sign is located.

SIGN, ROOF – A sign which is located entirely on or above the main roof of a building or located entirely above a parapet of a building.

SIGN STRUCTURE – A structure which supports, did support or which is constructed to support a sign face, and which in turn is supported by the ground or by a building or structure not an integral part of the sign.

SIGN, TEMPORARY OPEN HOUSE – A sign advertising an open house being conducted at a property being offered for sale or rent.

SIGN, TRANSIT SHELTER – An advertising sign displayed upon or within a transit shelter.

SIGN, WALL – A sign entirely supported by or through the face of a building or structure, or by component members comprising all or a part of said face and includes fascia signs.

STREET – A street, highway, road, or other public right-of-way, including a road allowance and sidewalk, but does not include a private lane.

STREET LINE – A line dividing a property from a street.

STREET, RESIDENTIAL – A street within a residential zone.

ZONING BY-LAW – The City of Dryden Zoning By-Law 2470-2000 or any by-law enacted in substitution therefor.

3. Exceptions with respect to location and safety.

The provisions of this by-law shall not apply:

A. With respect to safety, to:

- (1) Maintenance or repairs using materials identical to the materials of the component being maintained or repaired.

B. With respect to location, to:

- (1) A public information sign.
- (2) A "no trespassing" sign and a safety or caution sign, including an entrance, exit and parking sign on private property, provided that the sign area does not exceed 0.46 square metre.
- (3) A non-illuminated real estate sign, provided that such sign is located on the building or property being advertised and that the sign area does not exceed 0.5 square metre.
- (4) A non-illuminated sign not exceeding 12.0 square metres in area stating the name of the builder or project to be built on the property on which the sign is located and stating names and addresses of owners, contractors, consultants, provided that such sign shall be removed within two months of first occupancy.
- (5) Signs or lettering attached to or painted directly on a vehicle, provided that such vehicle is not being used mainly for sign purposes at any location at which such sign may not otherwise be permitted.
- (6) Transit shelter signs, bench signs, waste container signs or similar advertising objects where such are erected or displayed under separate agreement with the Corporation.
- (7) Cartop signs where such are erected or displayed in accordance with the business license by-law.
- (8) A sign or advertising device that is lawfully erected or displayed on the day this by-law comes into force, if the sign or advertising device is not substantially altered, and the maintenance and repair of the sign or advertising device or a change in the message displayed shall be deemed not in itself to constitute an alteration.
- (9) Election signs are permitted within the City of Dryden subject to the following provisions:
 - (a) The signs associated with a federal or provincial election shall not be erected or installed earlier than the official date of notice of the date for any federal or provincial election, with the exception of signage at a campaign headquarters.
 - (b) The signs shall not be erected or displayed for a municipal election or by-election until after nomination day and, if the election or by-election does not include an election for an office, on or before the 31st day before voting day.
 - (c) The signs shall be removed within seven days after the close of voting on voting day. For the purpose of this subsection, the candidate or registrant shall be responsible for the removal of his or her election signs within the prescribed time. If a sign is not removed within the prescribed time, City staff may remove the sign without notice.
 - (d) The signs are not located within a sight triangle.
 - (e) The signs shall not interfere with the safe operation of vehicular traffic or with the safety of pedestrians.
 - (f) The signs shall be erected with the consent of the owner or occupier of private property.
 - (g) The signs shall not be erected or displayed on any lands, trees, property, buildings, facilities, public utility poles, motor vehicles, equipment, or

machinery, owned or operated by the Corporation. For clarity, such signs shall be placed at least 5.0 metres from a curb or where a curb would be if one existed.

- (h) No person shall at any time on any election voting day, including those days when advance voting is held, place an election sign, or cause an election sign to be placed on the premises used as a voting place for elections.
- (i) If a sign is erected or displayed in violation of this by-law, or creates a hazard to vehicular traffic or pedestrians, the Building Inspector or other municipal law enforcement officer may cause the sign to be removed immediately without notice.

4. Permits.

A. Permit required.

- (1) No person shall erect, display, alter or repair or allow the erection, display, alteration, or repair of any sign within the City of Dryden without first obtaining a permit.
- (2) A change in the message displayed on the sign does not constitute an alteration so as to require a permit.

B. No person shall erect, display, alter or repair a sign or part thereof except in accordance with:

- (1) This by-law; and
- (2) The plans, drawings, and specifications on the basis of which a permit has been issued; and
- (3) The applicable provisions of the Ontario Building Code.

C. The application for the permit shall be accompanied by the following information:

- (1) Completed drawings and specifications of the sign and the supporting framework; and
- (2) Plans indicating the location of the proposed sign on the building relative to vehicular access, doors, windows, and other existing signs on the site; and
- (3) Site plans to scale indicating the location of the proposed sign on the site, street lines and other boundaries of the property and the location of the building thereon.

D. A permit may be refused for any sign that, if erected or displayed, would be contrary to the provisions of any by-law of the corporation.

E. The fee for a required inspection and approval of plans shall be set out in Schedule A attached hereto.

5. General regulations and prohibitions.

A. Proximity to street and property lines.

- (1) Except where otherwise expressly permitted or prohibited in this by-law, no sign shall be erected, displayed, altered, or repaired so as to be closer than 0.5 metre to any street or property line.
- (2) Where the distance between a building and the street or property line is less than 0.6 metre, a wall sign may be permitted, provided that the wall sign projects no more than 0.3 metre from the building.

- B. No sign shall be erected, displayed, altered, or repaired in any location where, in the opinion of the Chief Building Official, it directly interferes with, obstructs the view of, or may be confused with, any traffic sign, signal or device.
- C. No sign shall be erected, displayed, altered, or repaired in such a manner as to materially impede the view of any driveway, lane, street, or highway intersection, or in such manner as to materially impede the view of the intersection of the street or highway with a railroad crossing.
- D. No sign or any lighting fixture or other device associated with a sign which projects over a sidewalk or other public pedestrian walk shall be located lower than 2.5 metres above the surface of the sidewalk or other public pedestrian walk.
- E. No sign shall be erected, displayed, altered, or repaired so as to prevent or impede free access by emergency response personnel to any part of a building or so as to prevent or impede any exit from any part of a building.
- F. Illuminated signs shall be erected, displayed, altered, or repaired so as to divert light away from any adjacent residential use.
- G. Every sign shall be kept in good repair and safe and in a secure condition so as not to endanger the safety of persons or property at all times.
- H. Where a sign is not constructed of galvanized or corrosion-resistant material, it shall be maintained in a painted condition and clean of rust.
- I. Every sign for which a permit is required shall be subject to inspection by the Chief Building Official when completed.
- J. Any sign or part thereof which advertises a business which is no longer operating or a service which is no longer being offered must be removed within 60 days of the discontinuance of such business or service.
- K. Except where otherwise expressly permitted in this by-law, no sign or any part thereof is permitted to be erected or displayed upon or encroach onto or over any property owned by the City of Dryden.
- L. The area of any sign shall not exceed 11.4 square metres on any one side, or a total of 23 square metres for the entire sign.
- M. Where signs or other advertising devices are not attached to a building, such signs or advertising devices shall be permitted to describe or otherwise advertise only the business or activity which is existing upon the property where such sign or advertising device is situated.
- N. The message carried by a ground sign shall relate solely to the use of the property upon which it is located.
- O. All ground signs shall consist of not more than two faces and shall be constructed with non-combustible frames and supported on concrete foundations. The face of a sign may be combustible material and illuminated but shall not be rotating.
- P. No wall sign shall be illuminated externally.

6. Mobile signs.

- A. No person shall erect, display, alter or repair, or cause to be erected, displayed, altered, or repaired, any mobile sign unless:
 - (1) An application for a permit therefor has been submitted to the Chief Building Official and such application has been endorsed by the person for whom or on whose behalf the sign is proposed to be installed, erected, or displayed, or by such person's agent; and,
 - (2) A permit has been issued and is valid for the date or dates upon which such sign is

displayed; and

(3) Such sign is displayed within 30 days of the date of issuance of such permit.

- B. No permit shall be issued to permit a mobile sign to be displayed on any one property for a consecutive number of days longer than four months in any calendar year. Up to one additional four-month extension period is available by submission of an application complete with the associated fee. **This application must be provided prior to expiry of the original permit or removal of the sign will occur.** For the purposes of this subsection, each commercial tenant of a multi-occupancy commercial building shall be deemed to occupy separate property.
- C. No person shall erect, display, alter or repair a mobile sign which does not have permanently affixed thereto in a readily identifiable location the name and current business telephone number of the owner of such sign.
- D. No person shall erect, display, alter or repair a mobile sign which:
 - (1) Is closer than 5.0 metres to the intersection of two street lines; or
 - (2) Is closer than one metre to any property line.
- E. No person shall erect, display, alter or repair more than one mobile sign at any one time on any property; provided, however, that for the purpose of this subsection, each commercial tenant of a multi-occupancy commercial building shall be deemed to occupy separate property.
- F. Notwithstanding any other provisions of this by-law, no mobile sign shall be erected or displayed on any public road allowance.

7. Signs in residential and open space zones.

A. Limitations.

- (1) One sign not exceeding 0.10 square metre in area is permitted to indicate a business, profession or occupation lawfully conducted upon the property.
 - (2) One identification sign having a maximum area of 5.0 square metres is permitted for a golf course located upon the same property.
 - (3) One identification wall sign not exceeding 3.0 square metres is permitted upon an apartment building.
 - (4) One identification ground sign not exceeding 3.0 square metres is permitted at an apartment development.
- B. One mobile sign is permitted in a residential zone for less than one week to announce a birth, birthday, anniversary, or similar personal event, provided that any such sign shall not be illuminated between the hours of 10:00 p.m. and 8:00 a.m.

8. Signs in commercial zones.

No person shall erect, display, alter or repair or permit a sign in a commercial zone save and except the following:

- A. Roof signs not exceeding 8 square metres may be erected on the roof of a commercial building. Not more than one such sign shall be erected on one property. Where two such signs are erected back-to-back on a single supporting structure, they are deemed to be one sign for the purpose of this section.
- B. Wall, projecting, marquee and canopy signs are permitted on the exterior of commercial buildings, provided that the total area of all such signs on any part of a commercial building shall not exceed 23.2 square metres except that on the side of a corner building facing a residential street a wall sign shall not exceed a maximum area of 4.7 square metres.

9. Signs in industrial and institutional zones.

No person shall erect, display, alter or repair or permit a sign in an industrial institutional zone save and except the following:

- A. Roof signs not exceeding 8 square metres.
- B. A real estate ground sign exceeding 1.0 square metre in area but not exceeding 4.6 square metres in area may be permitted on vacant land.
- C. Wall signs, the total area of which do not exceed 24 square metres, for the purpose of advertising a lawful business or service conducted, or products manufactured or sold within the building, may be erected on walls of buildings.

10. Non-conforming signs and unlawful signs.

- A. Whenever the Chief Building Official or Municipal Law Enforcement Officer finds a sign to be in violation of any provisions of this by-law, they may, by regular mail or by personal service, give a written notice of violation to the property owner and/or the property occupant and/or the owner of the sign, requiring them or either of them to make such sign comply with the provisions of this by-law or remove such sign no later than the date and time stipulated on the notice.
- B. A person who has caused a sign to be erected, displayed, altered or repaired without first having obtained a permit to do so; or having obtained a permit has caused a sign to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued; or has caused a sign to be erected, displayed, altered or repaired contrary to this by-law, shall make such sign comply with the provisions of this by-law or remove such sign no later than the date and time stipulated on the notice.
- C. Notwithstanding Subsection B, the time limit for compliance or removal with respect to a mobile sign shall be three business days.
- D. Despite any other provisions of this section, if, upon inspection by the Chief Building Official or Municipal Law Enforcement Officer, the Official or Officer is satisfied there is non-conformity with this by-law to such extent as to pose an immediate danger to the health or safety of any person, the Chief Building Official or Municipal Law Enforcement Officer may immediately pull down or remove any sign that is determined to constitute a safety hazard or concern. Such removal is to be at the expense of the owner or the occupant and the expense therefore may be collected in like manner as municipal taxes.
- E. If a notice issued under Subsection A or B is not complied with, the Corporation may pull down and remove the sign or cause it to be pulled down and removed, at the expense of the owner of the sign.
- F. A sign removed pursuant to Subsection E shall be stored by the Corporation for a period of not less than thirty (30) days, during which time the sign owner or their agent is entitled to redeem the sign upon making payment satisfactory to the City of the amounts noted below for the removal and storage of the sign:
 - i. The sum of \$250.00 or the City's actual cost of removing the sign, whichever is greater, and
 - ii. A storage charge of \$20.00 per day or part thereof, or \$2.50 per m² of sign face per day or part thereof, whichever is greater.
- G. Where the Corporation has incurred costs under Subsection E or F, a copy of an invoice for any costs incurred will be sent by regular mail to the person liable to pay. If no payment or insufficient payment has been received for the invoice or payment for the invoice is overdue, it shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the Tax Collector's rolls and collected in like manner as municipal taxes.
- H. Any sign stored by the Corporation under the provisions of this section for a period exceeding 90 consecutive days shall be subject to disposal by public tender, public auction, or by such other means as may be approved by the Council, without further notice to the owner of the sign.

11. Variances.

- A. The Corporation recognizes that there may be exceptions to the rule. A minor variance application may be submitted to the Committee of Adjustment accompanied by the appropriate fee as per the Fees and Charges By-law.
- B. An application for a minor variance to this by-law must be forwarded to the Building and Planning Department, in writing, stating the reason for such variance and be accompanied by the required documents as set out in 4 C, above.
- C. The Building and Planning department shall notify the applicant once a hearing date before the Committee of Adjustment has been set and if the applicant does not attend the hearing, the committee shall proceed in the absence of the applicant.
- D. In considering the application for variance, the Committee of Adjustment shall have regard for:
 - i. Special circumstances or conditions applying to the land, building or use referred to in the application;
 - ii. Whether strict application of the provisions of this by-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant inconsistent with the general intent and purpose of this by-law;
 - iii. Whether the special circumstances or conditions are pre-existing and not created by the owner or the applicant; and,
 - iv. Whether the sign that is the subject of the variance will alter the essential character of the area.
- E. The decision of the Committee of Adjustment in relation to this by-law is not appealable and is considered final and binding.

12. Offences.

Any person who contravenes any provision of this by-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, upon conviction a person is liable to a fine of not more than \$5,000.00 exclusive of costs.

13. Repeal

That Municipal Code Chapter 210 authorized by By-law #3392-2006 and any subsequent amendments thereto are hereby repealed in their entirety.

14. Force and Effect

This by-law shall come into force and effect on the date it is passed.

Enacted and passed this ____ day of _____, 2024 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

Clerk

Schedule A
Sign Fees and Restrictions

Encroaching signs:

- (a) The annual fee for an encroaching sign shall be \$100.00.
- (b) Every permit for an encroaching sign shall be for a period of one year beginning on the first day of January and expiring on the 31st day of December.
- (c) Every encroaching sign that continues in existence after the expiry date shall be subject to a renewal of licence at the rate prescribed in Paragraph (a).

Mobile signs:

- (a) The fee for inspection and approval of a mobile sign shall be \$50.00.
- (b) Every permit for a mobile sign shall specify the date or dates and the location upon which the sign may be displayed and shall not be valid for any other time or location.

Municipal and public utility property:

- (a) No signs are to be permitted on any municipal sidewalk, except for sandwich signs, which are permitted only on the sidewalk immediately in front of a place of business in a commercial zone. Sandwich signs are allowed during business hours only and are not to be placed so as to be a hazard or impediment to pedestrian traffic.
- (b) No signs are allowed on public utility poles.
- (c) All signs to be posted or installed on any municipal or utility property shall be subject to a negotiated rental fee in addition to any permit fees payable under this by-law.

All other signs:

- (a) The fee for inspection and approval of all other signs shall be \$75.00.