

Corporation of the Town of Newmarket

By-law 2017-73

OFFICE CONSOLIDATION

This is a consolidation of the Town’s By-law to regulate the erection and maintenance of signs in the Town of Newmarket, being By-law 2017-73, as amended by the below listed by-laws and is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of By-law 2017-73. Official versions of all by-laws can be obtained from Legislative Services by calling 905-953-5300. If there are any discrepancies between this consolidation and By-law 2017-73 and listed amending by-laws the official by-laws shall prevail.

2020-22 – April 27, 2020	Add provisions for AMPS

A By-law to regulate the erection and maintenance of Signs and other advertising devices in the Town of Newmarket.

Whereas Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Act”) provides that a lower-tier municipality may pass by-laws respecting matters within its spheres of jurisdiction;

And Whereas Subsection 11 (3) 7 of the Act provides that municipalities may pass by-laws respecting structures, including fences and Signs;

And Whereas Subsection 99 (2) of the Act provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the Repair and Storage Liens Act, R.S.O. 1990, c. R.25;

And Whereas the Municipal Council of the Town of Newmarket (the “Town”) deems it necessary and in the public interest to regulate Signs displayed within the Town;

And Whereas the Municipal Council of the Town enacted By-law 2016-28 on June 7, 2016;

And Whereas it is deemed necessary to repeal by-law 2016-28

Therefore Be It Enacted by the Municipal Council of the Town as follows:

1.0 Definitions:

The following words shall have the following meanings in this By-law:

“**Advertising Device**” means any designed device or object creating a design and intended to be erected or located or affixed on any **Property**; this shall include flags, **Banners**, pennants, lights, inflatable devices, or any object intended for advertising purposes;

“**Alter**” means any change to the **Sign Structure** or the **Sign Face** with the exception of the re-arrangement of numerals, letters or copy applied

directly to the face of a **Sign** and specifically designed and intended to be periodically rearranged, the repair and maintenance of a **Sign**,

“**Animated Sign**” means a **Sign** or part thereof, which using electronic technology displays moving images and/or text and/or includes the rotation, oscillation or movement of the **Sign** in part or in whole but does not include an **Electronic Changeable Copy** or **Mechanical Copy**;

“**Appeal Committee**” means the Appeal Committee established by the Town;

“**Applicant**” means the **Person** who applies for a **Sign Permit** or a variance from the provisions of this by-law;

“**Awning Sign**” means a **Sign Copy** painted on or affixed flat to the surface of an awning;

“**Banner**” means a **Sign** made from cloth, plastic or a similar lightweight non-rigid **Material**;

“**Billboard Sign**” means an outdoor **Sign** that advertises goods, products, or services that are not sold or offered on the **Property** where the **Sign** is located, and is either single sided or double sided and shall allow for one **Mechanical Copy** side;

“**Builder**” means a **Person** or corporation proposing to undertake or undertaking the construction of new homes, apartment developments or condominium developments within the Town;

“**Building Code**” means regulations made under Section 34 of the Ontario Building Code Act, S.O. 1992, c.23;

“**Business**” means a commercial or employment activity carried on or permitted under the **Zoning By-Law**;

“**Candidate**” means a **Person** who is seeking election to a public office, whether for a federal, provincial or municipal election;

“**Chief Building Official**” means the **Person** and his/her designate so appointed by Council pursuant to the **Building Code** Act, 1992;

“**Commercial**” means a **Commercial Zone** as defined in the **Zoning By-Law**;

“**Commercial Construction Information Sign**” means a **Sign** that is erected for a temporary period that identifies, or provides information relating to or advertising the development or the construction of a building on the lands which the **Sign** is erected and not the sale of lots elsewhere or the realtor’s, developer’s or Owner’s business in general;

“**Continuous Scrolling Copy**” means electronic or computer controlled **Sign Copy** where text continuously scrolls across the **Sign Face** in a pre-arranged sequence to display a temporary message;

“**Directional Sign**” means any on **Premises** a **Sign**, which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include both entry and exit signage;

“**Director**” means the Director, Legislative Services of the Town and his/her designate;

“**Election Sign**” means a **Sign** advertising or promoting the election of

a political party or a **Candidate** for public office in a federal, provincial or municipal election;

“**Electronic Changeable Copy**” means electronic and/or computer controlled **Sign Copy** where static images or static information are displayed in a pre-arranged sequence and the intensity of illumination is maintained at a constant level, and includes **Continuous Scrolling Copy**;

“**Employment**” means an **Employment Zone** as defined in the **Zoning By-Law**;

“**Fees And Charges By-Law**” means the General Fees and Charges By-law, as amended for the Legislative Services Department;

“**Fascia Sign**” means a **Sign** applied to or erected on and entirely supported by the wall of a building or structure;

“**Frontage**” means the length of the **Property** line of any one lot parallel to and along each legally accessible public **Street**, except for corner lots shall mean the total length of the **Property** lines on all legally accessible public **Streets**;

“**Ground Sign**” means a **Sign** directly supported by the ground without the aid of any other building or structure, which **Sign** includes the names of Owner(s) and address and/or advertising goods, products, services or events that are sold, offered, or provided on the **Premises** on which the **Sign** is located; “**Hoarding Sign**” means a temporary, Non-Illuminated **Sign**, erected on construction hoarding which is subject to a development agreement of the Town, associated with the development of **Property**, which advertises or identifies the development of the **Property** on which the **Sign** is located;

“**Home Occupation Sign**” means a **Sign** that identifies any home-based **Business**, where such use of the **Property** complies with the **Zoning By-Law**;

“**Illuminated Sign**” means a **Sign** that provides artificial light directly, or through any transparent or translucent **Material**, from a source of light connected with such **Sign**, or a **Sign** illuminated by a light focused upon or chiefly directed at the surface of the **Sign**;

“**Incidental Sign**” means a **Sign**, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “drive-thru,” “telephone,” “private parking,” “entrance,” “washroom,” “loading dock,” “staff only,” and other similar directives;

“**Inflatable Sign**” means a **Sign** or **Advertising Device** designed to be airborne and tethered to the ground, a vehicle or any other structure and shall include balloons and any other inflatable devices. Classification of **Inflatable Sign** shall not relieve it from any other **Sign** classification of this By-law;

“**Inspector**” means the By-law Enforcement Officer appointed by the Town or such **Person** designated by the municipality;

“**Institutional**” means an **Institutional Zone** as defined in the **Zoning By-Law**;

“**Materials**” means the products and assemblies that individually or as an assembly constitute the **Sign** or portion thereof;

“Mechanical Copy” means a **Sign Copy** where the display surface physically changes to reveal alternate messages, including but not limited to tri-vision or flip disc **Signs**;

“Menu Board Sign” means a **Sign** erected as part of a drive-thru facility and used to display and order products and services available at the drive-thru **Business**;

“Mobile Sign” means a Non-Illuminated **Sign** designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels;

“Model Home Ground Sign” means a **Sign** located on residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located,

“Mural” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure;

“Mural Sign” means any type of display or artistic endeavour painted on or otherwise affixed directly to any side(s) of a building or structure that includes text or a logo that is intended for advertising purposes;

“New Home Development” means a new residential project, which is the subject of a development agreement and which may be comprised of one or more registered plans of subdivision, condominium development or condominium plan exemption;

“New Home Development Sign” means a non-illuminated **Sign**, which is not permanently installed or affixed to the ground and where the purpose of the **Sign** is to direct attention to the sale of new homes or condominiums;

“Non-Profit Sign” means a **Sign** located, erected, or displayed on private **Property** or approved Town **Property** to advertise a non-profit or charitable event by a non-profit organization, charity or place of worship;

“Open House Sign” means a **Sign** intended to direct traffic to a **Property** that is for sale or lease, and is open to the public for viewing.

“Owner” means the **Property** Owner, authorized agent, lessee, or occupier of the **Premises** upon which a **Sign** or **Advertising Device** is located;

“Parking Area” means an off-street, open, unobstructed area of land consisting of a minimum of two (2) but not more than five (5) parking spaces which is accessed by a driveway;

“Parking Lot” means an open area other than a **Street** used for the temporary parking of five (5) or more motor vehicles and available for public use whether for free or for compensation as accommodation for clients, customers or residents;

“Person” means an individual, **Business**, firm, body corporate, corporation, association, or municipality;

“Portable Sign” means a free standing **Sign** erected on but not permanently anchored to the ground and includes, but is not limited to, **Signs** commonly referred to as A-Frame **Sign**, T-Frame **Sign**,

Advertising Flag **Sign** or Sandwich Board but shall not include a **Banner Sign, Inflatable Sign** or **Mobile Sign**.

“**Premises**” means land or a part of land under registered ownership and includes all buildings and structures thereon;

“**Projecting Sign**” means a **Sign** attached to a building or structure, which projects horizontally from the building/structure;

“**Property**” means a lot and includes all buildings, and structures thereon;

“**Real Estate Sign**” means a temporary non-illuminated **Sign** installed, erected or displayed for the notification that the **Premises** or portion thereof, on which the **Sign** is located, is available for or offered for sale, rent or lease;

“**Residential**” means a Residential **Zone** as defined in the **Zoning By-Law**;

“**Seasonal Business**” means a **Business** that is open for seasonal or temporary purposes of not more than 60 calendar days. Without limiting the forgoing, examples would be Halloween Stores, Christmas tree lot, Temporary Fireworks Premise, Garden Centres, and Tent Sales;

“**Shopping Centre**” means a group of commercial establishments, whether or not under one ownership, having a common **Parking Area** or **Parking Lot**;

“**Sight Triangle**” means in the case of a corner lot, the triangular space formed by the **Street Lines** and a line drawn from a point in one **Street Line** to a point in the other **Street Line**, measured 5m along the **Street** from the point of intersection of the **Street Lines** See Diagram 1 in Schedule A;

“**Sign**” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an **Advertising Device**;

“**Sign Area**” means the entire area of all **Sign Faces** on one **Sign Structure**;

“**Sign Copy**” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a single **Sign Face** and includes **Electronic Changeable Copy** and **Mechanical Copy**;

“**Sign Face**” means that portion of a **Sign**, excluding the **Sign Structure**, upon which, as part of, against or through which the message of the **Sign** is displayed. The **Sign Face** is an area composed of individually installed letters, numerals, or shapes, the **Sign Face** shall mean the area enclosing the letters, numerals, or shapes;

“**Sign Owner**” means the owner or lessee of a **Sign**, or his/her agent. Where there is no owner, lessee or agent for a **Sign** or such **Person** cannot be determined with certainty, the **Sign Owner** shall be deemed to be the **Person** or **Business** having the use or major benefit of the **Sign**, or if such **Person** or **Business** is unknown, the **Sign Owner** shall be deemed to be the registered owner of the **Premises** upon which the **Sign** is situated;

“**Sign Permit**” means a written permission to locate, erect or display a **Sign** or **Signs** issued by the **Director** pursuant to the provisions of this By-law;

“**Sign Structure**” means anything used to support or brace a **Sign Face** and which is attached to the ground or a building or structure;

“**Street**” means any highway;

“**Street Line**” means the limit of the **Street** allowance and the dividing line between a lot and a **Street**;

“**Subdivision Development Sign**” means a **Sign** that advertises only the development in which the **Sign** is located and not the sale of lots elsewhere or the realtor’s, developer’s or Owner’s **Business** in general;

“**Temporary Sign**” means a **Sign** comprised of a plastic (poly bag) **Sign** sleeve or a coroplast **Sign Face** and which is temporarily anchored into the ground, or onto a pole, a light standard, a tree, another **Sign**, or a fence;

“**Town**” means the Corporation of the Town of Newmarket;

“**Urban Centre Zone**” means an **Urban Centre Zone** as defined in the **Zoning By-Law**;

“**Window Sign**” means a **Sign** located on the interior of a **Premises** and which is located, erected or displayed in the interior of a window, window section or window pane and is intended to be seen from outside of the building or **Premises**;

“**Zone**” means the area of a defined land use in the **Town Zoning By-Law** passed under the Planning Act, as amended, from time to time;

“**Zoning By-Law**” means the **Zoning By-Law** of the **Town** passed under the Planning Act, as amended, from time to time.

2.0 Administration:

2.1 Interpretation:

a) A word interpreted in the singular number has a corresponding meaning when used in the plural.

b) The imperial measurements found in this By-law in brackets are provided for information only and are intended to be an approximate conversion of the metric measurements. The metric or Standard International measurements shall be deemed to be the standards established by this By-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurements shall apply.

2.2 This By-law shall be administered by the **Director** of the **Town**.

2.3 The **Building Code** shall be administered by the **Chief Building Official** as appointed by Council.

2.4 Where any **Sign** proposed to be erected may be considered as more than one form of **Sign** permitted by this By-law or as a combination of forms of **Signs** and /or **Sign Copy** permitted by this By-law, such **Sign** shall conform to the most restrictive provisions of this By-law.

- 2.5 This By-law does not apply to a **Sign** that was lawfully erected and displayed on the day this By-law comes into force if the **Sign** is not substantially altered and the maintenance and repair of the **Advertising Device** or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.
- 2.6 The maximum height of a **Sign** shall be ascertained by measuring the distance from the level of the ground immediately below such **Sign** to the highest point thereof, provided that in the event the level of the **Street** or sidewalk adjacent to such **Sign** as erected is higher than the level of the ground upon which the **Sign** is erected, the height shall be measured from the level of such **Street** or sidewalk.

Responsibility for compliance with this By-law:

- 2.7 Neither the granting of a **Sign Permit** nor the approval of the plans, drawings, and specifications nor inspections made by the **Town** shall in any way relieve the **Sign Owner** or any other **Person** from full responsibility for carrying out work or having the work carried out in complete accordance with the requirements of this By-law or any other By-law applicable to the **Sign**.
- 2.8 The **Sign Owner** is solely responsible for and pays for any damage to **Persons** or property, caused by a **Sign**.

3.0 GENERAL PROVISIONS:

- 3.1 No **Person** shall erect, install, post, display or maintain any **Signs** on a **Premises** within the **Town** except such **Signs** as are permitted by this By-law.
- 3.2 Unless otherwise expressly provided in this By-law, no **Person** engaged in a **Business** shall erect, install, post, display or maintain or cause to be erected, installed, posted, displayed or maintained any **Sign** on any **Premises** except on the **Premises** upon which such **Business** is located and provided the written consent of the registered Owner of the **Property** is obtained.
- 3.3 No **Sign** shall be erected in a parking space required under the **Town's Zoning By-Law**.
- 3.4 No **Sign** shall obstruct the view of any pedestrian or motor vehicle driver, visibility of warning devices, railway, traffic and municipal **Street Signs** or cause an unreasonable distraction, so as to cause an unsafe condition in the opinion of an **Inspector** under this By-law.
- 3.5 A **Sign** shall display only non-electronic static copy unless otherwise permitted in accordance with **Section 25.0** of this By-law.
- 3.6 No **Sign** shall be supported entirely or partly by the roof of a building or structure, other than a **Sign Structure**, or shall project above the roof of a building or structure.
- 3.7 Flashing, animated or noise emitting **Signs** of any size are strictly prohibited.
- 3.8 A **Sign** attached or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said **Sign** or advertisement shall be strictly prohibited.

3.9 No **Person** shall erect, display or cause or permit to be erected or displayed any **Sign** at those intersections listed in accordance with Schedule A of the Regional Municipality of York's **Sign By-law 2015-36**, as amended from time to time.

3.10 Unless otherwise authorized by the bylaw, no **Person** shall erect, install, post, or otherwise display a **Temporary Sign** within the **Town** of Newmarket.

4.0 Requirement For Sign Permit:

4.1 No **Person** shall erect, install, post, display or **Alter** any **Sign** on a **Premises** within the **Town** for which a **Sign Permit** is required and has not been obtained.

4.2 No **Person** shall deviate from an approved plan, drawing, or specification for which a **Sign Permit** or building permit has been obtained, without the prior written permission of the **Director** or the **Chief Building Official** respectively and such permission may be conditional on a new **Sign Permit** or building permit being applied for and obtained.

5.0 Signs Not Requiring A Sign Permit:

5.1 Notwithstanding **Section 4.1**, a **Sign Permit** is not required for the following **Signs**, but such **Signs** shall comply with all other requirements of this By-law:

Sign type / Description	Applicable Zones	Provisions
Official Signs / Public Safety Signs	All Zones	Pursuant to Section 28.0
Incidental Sign	All Zones except Residential	Maximum height of 0.9 metres (2.95 ft) and shall be permitted to display the name or logo of a use on the lot. Shall be located on Private Property
Trespassing, safety or other warning Sign	All Zones except Residential	Not exceeding 0.5m ² (5.38 sq. ft.) in Sign Area . Illumination not permitted
	Residential Zone	Not exceeding 0.2m ² (2.15 sq. ft.) Illumination not permitted
Address Sign	All Zones	Not exceeding 0.2 m ² (2.15 sq. ft.) in Sign Area Shall be located on private Property
Flag of corporations, educational, religious, or	All Zones	Not more than three (3) flags per Premises . Each flag shall not exceed

charitable organizations		7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 sq. ft.)
Emblems or insignia of patriotic, civic, educational, religious or charitable organizations.		Emblems or insignia shall not exceed 7.62m (25.0 ft.) in height and shall have a maximum area of 2.7m ² (29.0 ft ²)
Home Occupation Sign	Residential Zone	Maximum Sign Area of 0.2 m ² (2.15 sq. ft.) Maximum height of 1.5m (5ft.) One Sign may be erected where the use of the Property for any Home based Business complies with the Zoning By-Law . Such Sign shall be erected or displayed in the form of a Fascia Sign, Projecting Sign, or Ground Sign . Illumination not permitted.
Real Estate Sign	All Zones	Maximum Sign Area of 1.0m ² (10.7 sq. ft.) in a Residential Zone . For all other Zones a maximum area of 4.0m ² (43 sq. ft.) One (1) Sign per Street Line of the Property on which the Sign is erected. Such Sign shall be removed thirty (30) calendar days after the Premises has been sold, rented, or leased. No Sign shall be within a Sight Triangle .
Garage Sale Sign	All Zones	Only displayed or erected after 5:00pm on the day immediately before the garage sale and must be removed no later than 7am on the day immediately following the garage sale; Maximum height 0.6m (2ft); Maximum width 0.6m (2ft); Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway; Minimum of 1.83m (6ft) from roadway Minimum of 0.6m (1.97ft) from sidewalks and driveways

		Must include the address of the Property where the garage sale will be located; Must include the date of the garage sale
Open House Sign	All Zones	Only displayed on the day which the open house takes place. Must be in the form of an A-Frame or Temporary Sign . Minimum of 1.83 m (6ft.) from roadway Minimum of 0.6m (1.9 ft.) from sidewalks and driveways. Shall be located within the untraveled portion of the road allowance, not including any centre median, traffic island or centre boulevard of a roadway. Include address of Property and date of open house

Residential Contractor Advertising Sign	Residential Zone	Sign type: Must be in the form of a A-Frame Sign Must be in the form of a Temporary Sign Sign location: Must be located on the Property where the work is occurring, Time frame: Must be erected no more than seven (7) calendar days prior to the commencement of the project and removed seven (7) calendar days after the project is completed.
Entrance Gate Sign - located at the entrance to a subdivision/apartment or condominium complex	Residential Zone and Urban Centre Zone	One (1) Sign per Frontage Maximum Sign Area 2.32m ² (25.0 sq. ft.) Minimum ground clearance 0.91m (3.0 ft.) Maximum height 7.5m (24.6 ft.)
Menu Board Sign	Urban Centre Zone and Commercial Zone	Maximum Sign Area 4m ² (43.06 sq. ft.)
Public transit or any Street	All Zones	As approved by the Town or Region

furniture/fixture advertising		
Window Sign	All Zones	Shall be non-flashing Shall not emit sound that can be heard from out side Shall not be Animated
Signs located under Gas station canopies	Commercial Zone	Shall be non-flashing Shall not emit sound Shall not be Animated

5.2 Where a **Sign** not requiring a **Sign Permit** has been erected, installed, posted, displayed, maintained or otherwise displayed in contravention of any provision of this By-law, **Subsection 31.2** shall apply.

6.0 Sign Permit Applications:

6.1 No **Person** shall erect, display or **Alter**, or cause or permit to be erected, displayed or altered, a **Sign** within the **Town**, unless otherwise exempted, without first obtaining a **Sign Permit** from the **Director** pursuant to this By-law. All **Signs** shall comply with all other applicable **Town** by-laws and all other applicable law.

6.2 Every **Applicant** for a **Sign Permit** shall complete a **Sign Permit** application form as prescribed by the **Town**, submit all necessary plans, drawings, and specifications and pay all applicable fees as set out in the **Fees And Charges By-Law**.

6.3 Sign Permit Information

All plans, drawings, and specifications accompanying a **Sign Permit** application form shall be provided in duplicate and shall meet the requirements as set out in the prescribed form.

6.4 No **Sign Permit** shall be issued until approvals have been obtained, where applicable, from the following:

- a) The Lake Simcoe Region Conservation Authority, pursuant to the Conservation Authorities Act, R.S.O. 1990, c. C.27;
- b) The **Chief Building Official** pursuant to the **Building Code Act, 1992**;
- c) The Regional Municipality of York, pursuant to any other applicable regional by-laws;
- d) Newmarket Hydro; and
- e) Any other applicable governmental authority.

6.5 No **Sign Permit** shall be issued by the **Director** unless the application meets all the requirements of this By-law and any other applicable laws or unless a variance has been granted pursuant to **Section 33.0**.

6.6 No more than four (4) **Sign Permits** per **Sign** type shall be issued to a single **Business** on the **Premises** on which the **Sign** is to be displayed, in a calendar year.

6.7 No **Applicant** shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a **Sign Permit**, detail of construction or revision thereto.

6.8 The **Applicant** shall be responsible to comply with this By-law and the approved plans, drawings and specifications and to ensure that each set of plans, drawings, and specifications approved by the **Town** is identical in every respect. Failure to do so shall not relieve the **Applicant**

of the responsibility for complying with every requirement of the By-law, should any discrepancies between the plans, drawings, or specifications and the erected **Sign** become apparent to the **Town**.

- 6.9 Revisions may be made to the application or approved documents provided they do not require significant additional work by the **Town**. An administration fee as set out in the **Fees And Charges By-Law** will be charged for all revisions.
- 6.10 An application for a **Sign Permit** shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently pursued or a **Sign Permit** has been issued.
- 6.11 **Sign Permit** fees may be doubled if a **Sign** has been constructed, erected, installed, altered, posted, or displayed, prior to a **Sign Permit** being issued or obtained for that specific **Sign**.
- 6.12 All or some of the following documentation must be provided, in duplicate, along with the application if required or requested:
 - a) Survey/Site Plan to scale, with all measurements in metric indicating location of proposed **Signs**, total **Frontage** of **Property**, all boundary lines, location of existing signage, all entrances and exits from buildings;
 - b) **Property** Owners Letter of Permission;
 - c) Engineered approved and stamped drawings in detail drawn to scale including dimensions, **Sign Area**, along with a final construction review report completed by the engineer after the **Sign** has been erected;
 - d) MTO Approval, for any **Sign** within 400m (1312ft) and visible from the 404 highway;
 - e) Newmarket Hydro Approval, for **Ground Signs, Billboard Signs, Commercial Construction Information Signs, and Subdivision Development Signs**;
 - f) York Region Approval, for any **Sign** located York Region **Property**;
 - g) Lake Simcoe Region Conservation Authority Approval for **Signs** within their jurisdiction;

7.0 Expiration Of Permit:

- 7.1 Every **Sign Permit** issued by the **Town** for the erection, display or alteration of a **Sign** expires and is null and void where the **Business**, product, activity or service to which the **Sign** relates ceases to operate or is no longer available at the **Premises** where the **Sign** is located.
- 7.2 Notwithstanding **Subsection 7.1**, the following expiration periods apply:
 - a) **Sign Permits** for **Inflatable Signs**, and **Mobile Signs** shall expire thirty (30) calendar days from the date of issuance;
 - b) **Sign Permits** for **Portable Signs** shall expire one (1) calendar year from the date of issuance;
 - c) **Sign Permits** for **Billboard Signs** shall expire five (5) years from the date of issuance.
- 7.3 Where a **Sign Permit** has expired, the **Sign Owner** shall immediately remove the **Sign** from the **Premises**.
- 7.4 Where a new **Business** is using the **Sign Structure** from a previous **Business**, the new **Business** is required to get a permit. For greater clarification, a lens change, from one **Business** to another, in a **Fascia Sign** or **Ground Sign** requires a **Sign Permit**.

8.0 Transfer Of Permit:

8.1 A **Sign Permit** is non-transferrable from one **Business** location to another.

9.0 Revocation Of Permit:

9.1 A **Sign Permit** may be revoked by the **Town** where:

- a) the **Sign** does not conform to this By-law and amendments thereto;
- b) the **Sign** does not conform to any regulation, law or requirements of any governmental authority having jurisdiction over the area where the **Sign** is situated;
- c) the **Sign Permit** has been issued as the result of false, mistaken, incorrect, or misleading statements, or undertakings in the application;
- d) the erection, display or alteration of the **Sign** authorized by the **Sign Permit** has not, in the opinion of the **Director**, been seriously commenced within six months of the date of issuance of the **Sign Permit**;
- e) an order has been issued and the **Sign** has not been brought into compliance with the by-law within forty-eight (48) hours, or;
- f) any fees applicable to the **Sign** under the **Fees And Charges By-Law** have not been paid;
- g) the **Sign Permit** was issued on the basis of a variance issued under **Section 33.0** with conditions and there has not been compliance with a condition imposed, or a condition has been breached; or
- h) the **Sign Permit** has been issued in error by the **Town**.

10.0 Maintenance:

10.1 The **Sign Owner** shall maintain, or ensure that such **Sign** is maintained in a proper state of repair so that such **Sign**:

- a) is fully operative at all times;
- b) in compliance with any approved plans, drawings, and specifications; and
- c) does not become unsightly, unsafe or damaged.

10.2 Maintenance or repairs using **Material** identical to the **Materials** of the component being maintained or repaired for the continuance of the **Business** does not constitute an alteration so as to require a **Sign Permit** to be issued.

11.0 Location:

11.1 No **Sign** shall be erected, placed, or permitted to stand on or overhang public **Property**, including sidewalks or boulevards, except as hereinafter expressly provided for **Hoarding Signs**, **Projecting Signs** and Real Estate **Signs**.

11.2 Notwithstanding any of the provisions of this By-law, no **Person** shall erect, install, post, or otherwise display any **Sign** on any tree, post, pole, light standard, fence, with the exception of **Hoarding Sign**, on any **Property** owned by or under the jurisdiction of the **Town**, without the prior written consent of the **Town**.

- 11.3 No **Sign** other than a **Fascia Sign** shall:
- a) be permitted within 10.67 metres (35.0 feet) of a traffic light;
 - b) be erected upon or supported by a parapet; or,
 - c) be erected upon or supported by a firewall or its parapet.
- 11.4 No **Sign** shall be located upon any building as to obstruct any window, door, roof access hatch, skylight or fire escape so as to prevent the free access of firefighters to any part of the building at any time.
- 11.5 All **Signs** erected or displayed shall be located a minimum of 1.83 metres (6.0 ft) away from the face of the curb or edge of pavement of a roadway, and where there is a sidewalk, not within 0.6 metres (1.97 ft) of such sidewalk, except for a **Portable Sign** located in the Historic Downtown **Urban Centre Zone** or Downtown **Urban Centre Zone**.
- 11.6 Notwithstanding any of the provisions of this By-law, no **Person** shall erect, install, post, or otherwise display any **Sign** on any tree, post, pole, light standard, or fence, with the exception of **Hoarding Signs** and flags on flagpoles, located on private **Property**.

12.0 Strength Of Buildings:

No **Sign** shall be erected on any building unless such building has been designed by a Professional Engineer to carry the additional dead and wind loads due to the erection of such **Sign**.

13.0 Sign Materials:

- 13.1 Every **Sign** attached to the exterior wall of a building shall be safely and securely anchored thereto by means of approved metal anchors, bolts, chains, wire ropes, or steel rods. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage except in the case of **Signs** attached to buildings with walls of wood. Staples, nails or holdfasts driven into masonry walls shall not be considered proper support or anchorage for **Signs**. No **Sign** shall be supported in any manner by an unbraced parapet wall, except as provided for in **Subsection 11.3 b)** of this By-law.
- 13.2 Notwithstanding **Subsections 13.3, 13.4 and 13.5**, all **Ground Signs, Billboard Signs, Fascia Signs and Projecting Signs** and the **Sign Structure** shall be constructed entirely of metal or other non-combustible **Materials**.
- 13.3 Notwithstanding **Subsection 13.2** thereof, **Ground Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone** provided that such **Signs** shall not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground immediately below such **Sign** to the highest point thereof.
- 13.4 Notwithstanding **Subsection 13.2** thereof, **Fascia Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone** provided that such **Signs** are not located within 0.61 metres (2.0 feet) of any window above the first story or within 0.91 metres (3.0 feet) of any fire escape or exit.
- 13.5 Notwithstanding **Subsection 13.2** thereof, **Projecting Signs** constructed wholly or partly of combustible **Materials** may be erected in the Downtown **Urban Centre Zone** and Historic Downtown **Urban Centre Zone**.

13.6 Notwithstanding any other provisions of this By-law, approved plastics may be used as facing **Material** and as letters and decorations on **Signs** subject to the following limitations and regulations:

- a) All parts of the **Sign** other than the letters and decorations shall be made from non-combustible **Materials**, the area of the display surface or facing which may be occupied or covered by letters and decorations may be made from or faced with approved plastics.
- b) If plastics are employed in any part of a **Sign** the finished plastic unit shall be identified either with the **Material** manufacturer's trade name, or with the common name of the plastic **Material**.

14.0 Illumination:

14.1 Illuminated **Signs** shall be designed, erected and operated so that the light from such **Signs** does not project onto any adjacent **Premises**.

14.2 Electric illumination shall be installed in accordance with the requirements of Newmarket Hydro.

14.3 External lighting shall be limited to the following:

- a) open hooded spotlights, which are a traditional form of lighting;
- b) lighting recessed in an architectural feature adjacent to the **Sign**;
- c) lights concealed behind relief lettering that illuminates individual letters in silhouettes against the background panel; or
- d) spot lighting positioned below the **Sign** and shining upward.

In all cases lamps shall be designed to be visually unobtrusive, which determination shall be made by the **Director**.

15.0 Sign And Zone Specific Regulations:

In addition to the requirements to obtain a **Sign Permit** under **Section 6.0**, **Signs** shall comply with the applicable **Sign** type restrictions under **Sections 16.0** through to **29.0** inclusive.

16.0 Ground Signs:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2	Commercial	1	Less than 243.84m (800 ft.)	27.87m ² (300 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Permitted in accordance with Subsections 14.1 and 14.2
	Employment Urban Centre*	2	243.84m (800 ft.) or more	46.45m ² (500 sq. ft.)	10.67m (35.0 ft.)		
Class B 1, 2, 3	Downtown Urban Centre	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Electronic Changeable Copy permitted in
	Historic						

	Downtown Urban Centre						accordance with Section 25.0 as applicable
Class C^{1,2}	Institutional	1		2.32m ² (25.0 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	
Class D^{1,2}	Open Space Golf Course	1		13.94m ² (150 sq. ft.)	7.5m (24.6 ft.)	0.91m (3.0 ft.)	Not Permitted
Menu Board Sign	Commercial Urban Centre	1 Menu Board Sign		4.0 m ² (43 sq. ft.)	2.5 m (6.5 ft)		Permitted in accordance with Subsections 14.1 and 14.2
		1 Pre Menu Board		2.0 m ² (21.5 sq. ft.)	2.5 m (6.5 ft)		

¹**Ground Signs**, and their structural members shall be constructed entirely of metal or other non-combustible **Materials**.

²**Ground Signs** shall not be located within 0.6m (2.0ft) of a **Property** line.

³**Ground Signs** which are located in the Downtown Urban Centre and Historic Downtown **Urban Centre Zones** may be constructed in whole or in part of combustible **Materials**, provided that such **Signs** do not exceed a height of 3.66 metres (12.0 feet), measured from the level of the ground, immediately below such **Sign**, to the highest point thereof.

* Excluding Downtown **Urban Centre Zone** or Historic Downtown **Urban Centre Zone**

16.1 Billboard Signs:

	Required Zoning	# of Signs	Frontage	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Billboard Sign^{1,2}	Commercial	1	Less than 300.0m (984.0ft)	18.58m ² (200 sq. ft.)	7.5m (24.6 ft.)	3.05m (10.0 ft.)	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*	2	300.0m (984.0ft) or more	Per Sign Face			

¹**Billboard Signs** and their structural members shall be constructed entirely of metal or other non-combustible **Materials**:

²Subject to separation distances set out in **Subsections 16.2** and **16.3**

* Excluding Downtown **Urban Centre Zone** or Historic Downtown **Urban Centre Zone**

16.2 No **Person** shall erect, locate or display a **Billboard Sign**:

- a) on the same **Property** as a **Mobile Sign**;
- b) within a radius of 300.0 metres (984ft) of any other **Billboard Sign** or 15.0 metres (49.2ft) of any **Ground Sign**;
- c) on **Property** other than **Property** within an **Urban Centre Zone**, **Commercial Zone** or **Employment Zone**;
- d) on any **Property** on which another **Billboard Sign** has been erected or for which a **Sign Permit** has been issued for a **Billboard Sign** under this by-law, except where the **Property** has a **Frontage** greater than 300.0 metres (984ft); or
- e) within 200 metres (656ft) of any of the following:
 - i) any **Property** within a **Residential Zone** or legally used for **Residential** purposes; or
 - ii) any **Property** which is used for a school or park, or any **Property** which is designated under Part IV or Part V of the Ontario Heritage Act.

- 16.3 No **Billboard Sign** shall be located any closer to the edge of the road allowance than the following:
- a) 4.0m (13.1ft) from the edge of the road allowance; or
 - b) 1.5m (4.9ft) from any **Property** line.
- 16.4 **Billboard Signs** displaying **Electronic Changeable Copy** or **Mechanical Copy** shall be subject to the applicable provisions contained in **Section 25.0**.
- 16.5 A **Billboard Sign** shall not contain or use more than two visible faces for advertising purposes.
- 16.6 A **Billboard Sign** may be illuminated but shall not be otherwise electrically animated, have any moving parts or **Animated** message changes.
- 16.7 Notwithstanding **Subsection 3.2**, a **Billboard Sign** may contain third party content subject to the appropriate **Sign Permit** being obtained.

17.0 Fascia Signs:

	Required Zoning		Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A 1, 2 ***	Commercial	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2 Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
	Employment Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class B 1, 3 ***	Downtown Urban Centre*	All	23.22m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2
	Historic Downtown Urban Centre*	Corner Building	27.87 m ² (300.0 sq. ft.)			
Class C 1, 2 ***	Institutional and all other Zones **		2.32 m ² (25.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Permitted in accordance with Subsections 14.1 and 14.2

¹**Fascia Signs** shall not be erected to extend above the top of the wall nor extend beyond the ends of the wall to which they are attached.

²No portion of a **Fascia Sign** shall project more than 20.32 cm (8.0 inches) from the face of the wall for **Signs** located over private **Property**.

³**Fascia Signs** placed on the wall of a building within the Historic Downtown **Urban Centre Zone** shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building.

* Excluding Downtown **Urban Centre Zone** or Historic Downtown **Urban Centre Zone**

** excluding **Residential Zones**

*** **Mural Signs** must form part of the overall area of the **Mural**

18.0 Projecting Signs:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Minimum Ground Clearance	Illumination
Class A ¹	Commercial Employment Urban Centre*	1 per Business **	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	Electronic Changeable Copy permitted in accordance with Section 25.0 as applicable
Class B ^{1,2}	Downtown Urban Centre Historic Downtown Urban Centre	1 per Business **	23.23 m ² (250.0 sq. ft.)		2.44m (8.0ft.) above adjoining grade	
Awning Signs shall be deemed to be Projecting Signs and shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building and shall be subject to the above provisions.						
¹ projecting Signs shall not project above the roof level in Shopping Centres						
² Projecting Signs placed on the wall of a building within the Historic Downtown Urban Centre Zone shall be permitted to encroach to a maximum of 0.61 metres (2.0 feet) beyond the main walls of a building						
³ The Maximum Sign Area shall apply to the Sign Copy of an Awning Sign , not the Sign Face or Sign Structure .						
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone						
** Excluding Awning Signs						

19.0 Mobile Signs And Portable Signs:

19.1 Every **Mobile Sign** and **Portable Sign** erected or installed pursuant to this By-law shall:

- a) not be located closer than 4.57 metres (15.0 feet) from the intersection of a driveway with a **Street Line** or the intersection of two **Street Lines** or 0.91 metres (3.0 feet) from any municipal sidewalk, provided that where the lot abuts a regional road or provincial highway, the **Sign** shall be set back such distance from such road or highway as determined by the appropriate road authority provided such distance is not less than 4.57 metres (15.0 feet);
- b) not be located closer than 4.57 metres (15.0 feet) from the limits of a driveway entrance as delineated by pavement markings, driveway islands or driveway curbs or any combination thereof;
- c) not occupy a parking space within a **Parking Lot** or **Parking Area**; and,
- d) only advertise the **Business** to which the **Sign Permit** was issued.

	Required Zoning	Maximum # of Signs	Maximum Sign Area	Maximum Dimensions	Illumination	Permit Length
Mobile Signs 1,2,3,4,5,6	Commercial Employment Urban Centre*	Total Portable Sign , and Mobile Sign combined restriction by Frontage (Per Premises): Frontage # 0.3-60.96m (1.0-200.0 ft.)	4.46 m ² (48.0 sq. ft.)	Including supporting structure 2.44m (8.0 ft.)	Not permitted	30 calendar days
Portable Signs ^{5,6,7,8,9,10} Class A	Commercial Employment Urban Centre*	6 61.26-152.4 m (201.0-500.0 ft.) 9 152.7-304.8 m (501.0-1000.0 ft.) 12 304.8 m + (1001.0 ft. +) 15	1.86m ² (20.0 sq. ft.)	1.52m (5.0 ft.) in height 1.22m (4.0ft.) in width	Not permitted	One (1) Calendar Year
Class B	Downtown Urban Centre Historic Downtown Urban Centre	One (1) per Business	0.56 m ² (6 sq. ft.)	0.91 m (3 ft.) in height 0.61m (2 ft.) in width	Not permitted	One (1) Calendar Year

¹**Mobile Signs** shall display the name and telephone number of the **Sign Owner** in a visible location on the **Sign**.

²**Mobile Signs** shall only advertise the **Business** to which the **Sign Permit** was issued.

³**Mobile Signs** shall be comprised of a black background, within a black frame, all letters or other writings or markings shall be white and photographic images or logos may be in full colour

⁴**Mobile Signs** shall not be located on the same **Property** as a **Billboard Sign**

⁵**Sign Permits** for **Mobile Signs** and **Portable Signs** shall be subject to the conditions under **Subsection 7.2**

⁶ Within the **Frontage** limits provided above, each **Business** shall be restricted to the use of one (1) **Portable Sign** or one (1) **Mobile Sign** per **Business Premises** on which the **Business** is located at any one time.

⁷**Portable Signs** shall not be placed earlier than one (1) hour before the posted hour for the opening of the **Business** to which it is related and shall be removed within one (1) hour after the posted hour of the closing of the **Business** to which it is related each day. Excluding Advertising Flag **Signs**.

⁸A **Portable Sign** located in the Historic Downtown **Urban Centre Zone** or Downtown **Urban Centre Zone** may be placed on the municipal sidewalk in front of the **Business** and can be permitted to encroach a maximum of 0.61 meters (2.0 feet) from the main wall of the building facing the **Street**.

⁹Advertising Flag **Signs** shall not be used in the Historic Downtown **Urban Centre Zone** or Downtown **Urban Centre Zone**

¹⁰ Advertising Flag **Signs** shall not exceed 3.36 meters (11.0 feet) in height

* Excluding Downtown **Urban Centre Zone** or Historic Downtown **Urban Centre Zone**

20.0 Banners:

	Required Zoning	# of Signs	Maximum Sign Area	Maximum Height	Location	Illumination
Banners	Commercial Employment Urban Centre*	1 per Business	6.0 m ² (64.58 sq. ft.)	1.0m (3.28ft)	Banners shall only be displayed on the first storey of a building. In the case of a Seasonal Business , Banners are permitted on a fence around the Seasonal Business , or on an associated trailer, shipping container or sales office.	Not permitted
The Banner shall only refer to the Business to which the Sign Permit was issued.						
Banners shall be permitted for display once a year, with the exception that a Seasonal Business which can display twice per year, per Business to advertise a grand opening or promotional event, for a period of thirty (30) calendar days.						
Banners shall not be erected or displayed to obstruct or interfere with the free use of any fire escape, exit or standpipe.						
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone						

21.0 Signs Incidental To Construction:

Commercial Construction Information Signs

21.1 A **Commercial Construction Information Sign** shall be removed when one hundred percent (100%) of the units being advertised have been sold.

Hoarding Signs

21.2 Prior to a **Sign Permit** being issued for a **Hoarding Sign**, the **Applicant** shall provide a certificate confirming to the **Town** that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the **Town** is named as an additional insured.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
Commercial Construction Information Signs ^{1,2,3} Class A	Commercial Employment Institutional Urban Centre*		27.87m ² (300 sq. ft.)	7.5m (24.6ft)	Minimum separation distance between Commercial Construction Information Signs 100.0m (328.08ft)
Class B ^{1,2,3}	Downtown Urban Centre Historic Downtown Urban Centre		10.0m ² (107.64 sq. ft.)		
Hoarding Signs ^{4,5,6,7}	All Zones			Combined height of	

				constructio n hoarding and signage 3.08m (10.0ft)	
¹ A Commercial Construction Information Sign shall not be erected until the development being advertised has been draft approved by Town planning staff.					
² A Commercial Construction Information Sign shall be located within the development that it advertises.					
³ Any Person may erect one non-illuminated Commercial Construction Information Sign , for a period not exceeding three (3) months or until the permanent Ground Sign is erected, whichever shall first occur.					
⁴ Hoarding Signs shall only be permitted where the Owner has entered into an agreement with the Town which authorizes the construction hoarding and where the Owner has obtained a Sign Permit					
⁵ A maximum of sixty percent (60%) of the construction hoarding area shall be permitted to display signage and advertising materials.					
⁶ Hoarding Signs shall only be composed of signage and advertising material specific to the development of the site and not the Owner's or Developer's Business in general					
⁷ Hoarding Signs shall not incorporate any Electronic Changeable Copy or Mechanical Copy .					
* Excluding Downtown Urban Centre Zone or Historic Downtown Urban Centre Zone					

22.0 New Home Development Signs:

22.1 No **Person** shall place or locate a **New Home Development Sign**:

- a) within a **Sight Triangle**, on a median or any other location on a **Street** that obstructs a sight line or otherwise interferes with **Street** maintenance, or impedes the movement of pedestrian or vehicular traffic, or otherwise creates a hazard;
- b) closer than 10.0 metres (32.8 feet) to a transit stop;
- c) closer than 5.0 metres (16.4 feet) to a driveway intersection with a **Street Line**; or
- d) within 1.0 metre (3.2 feet) of any municipal sidewalk.

22.2 No **Person** shall place or locate a **New Home Development Sign** on a **Street** before 7:00 p.m. on a Friday and all such **Signs** shall be removed no later than 6:00 a.m. of the immediately following Monday, provided that where a Friday or Monday is a statutory holiday, the hours shall be extended only to the extent necessary to include the statutory holiday.

22.3 Prior to a **Sign Permit** being issued for a **New Home Development Sign**, the **Applicant** shall provide a certificate confirming to the **Town** that a minimum of \$5,000,000.00 of valid comprehensive general liability insurance is in effect and that the **Town** is named as an additional insured.

22.4 Where a **Builder** has erected a sales office or a model home(s) within a **New Home Development**, such **Builder** may place one **Model Home Ground Sign**, not exceeding 1.12 m² (12.0 sq. ft.), on each residential lot or proposed residential lot intended for private ownership, upon which such model home or sales office is located. For greater certainty, no such **Model Home Ground Sign** may be located on any lands which are to be conveyed to the **Town** or which may form part of a municipal road allowance.

	Required Zoning	Maximum Number	Maximum Sign Area	Maximum Height	Location
New Home Development Sign		Each Builder limited to ten	No more than two (2) Sign Faces each	1.52m (5.0 ft.)	May be placed on a Street subject to the

		(10) New Home Development Signs per project	Sign Face with a maximum area of 1.86m ² (20.0 sq. ft.)		requirements of Section 22.0
Subdivision Development Sign ^{1,3}	Residential Zone	Three (3)	20.0m ² (215 sq. ft.)	7.5m 24.6ft	Shall be located within the development that the Sign advertises; Minimum separation distance between each Subdivision Development Sign of 300m (984.3ft)
Model Home Ground Sign ²	Model Home/Sales Centre	One (1) per residential lot or proposed residential lot intended for private ownership, upon which a model home/sales office is located.	1.12m ² (12 sq. ft.)		
New Home Development Signs shall be limited to two (2) corners of a Street intersection and a maximum of five (5) in total for each corner of the two (2) corners of the Street intersection.					
Each Builder shall be limited to two (2) Signs in total for each Street intersection					
¹ Subdivision Development Signs shall be removed when one hundred percent (100%) of the units being advertised have been sold					
² No such Model Home Ground Signs may be located on any lands which are to be conveyed to the Town or which may form part of a municipal road allowance.					
³ A Subdivision Development Sign shall not be erected until the development being advertised has been draft approved by Town planning staff.					

23.0 Inflatable Signs:

23.1 No **Person** shall place or locate an **Inflatable Sign**:

- a) within 3.0 m (9.8 ft.) of any **Property** line;
- b) within 3.0 m (9.8 ft.) of any driveway entrance and exit;
- c) within 10.0 m (32.8 ft.) of any **Ground Sign** or **Mobile Sign** on the same **Property** or abutting **Property**;
- d) within 92.0 m (301.0 ft.) of a residential **Property**, measured in a straight line; or
- e) within 50.0 m (164.0 ft) of a traffic light standard.

23.2 **Inflatable Signs** shall not be erected or displayed on a roof.

23.3 One **Inflatable Sign** shall be permitted for each **Property** at any one time.

23.4 Before being issued a **Sign Permit** for an **Inflatable Sign**, the **Applicant** shall provide confirmation to the **Town** that a minimum of \$2,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the **Town** has been named as an additional insured.

23.5 All **Inflatable Signs** shall be properly secured to the satisfaction of the **Town**.

23.6 Power cords and/or supporting devices for **Inflatable Signs** shall not be placed on or over **Parking Areas, Parking Lots** or pedestrian areas.

	Required Zoning	Maximum Number	Maximum Sign Area	Dimensions	Minimum Frontage	Permit Length
Inflatable Signs	Commercial Employment Institutional Urban Centre	One (1) Sign per Premises	42.0 m ² (451.85 sq. ft.)	Maximum Height: 7.0 m (22.96 ft.) Maximum Width: 6.0m (19.68 ft.)	15.0m (49.0 ft.)	30 calendar days
Inflatable Signs shall only advertise the Business to which the Sign Permit was issued.						

24.0 Temporary Signs:

24.1 **Temporary Signs** erected or displayed pursuant to this By-law shall have a maximum **Sign Face** area of 0.37 square meters (4 sq. ft.) per **Sign Face**, if used as a **Non-Profit Sign**.

24.2 Notwithstanding Section 3.10 **Temporary Signs** shall be permitted for use as **Open House Signs**, residential contractor **Signs**, and a **Non-Profit Signs** as set out in **Section 5.0 and Section 26.0** respectively.

24.3 Notwithstanding Section 3.10 **Temporary Signs** shall be permitted for use as an **Election Sign**, regulations for such **Signs** shall be found under the **Town** of Newmarket **Election Sign** By-law, as amended, from time to time.

25.0 Electronic Changeable Copy And Mechanical Copy:

25.1 **Electronic Changeable Copy** and **Mechanical Copy** may be incorporated as a component into any **Ground Sign** up to a maximum of 60% of the **Sign Area**, 100% of the **Sign Area** of a **Billboard Sign** and 100% of the **Sign Area** of a **Fascia Sign** or **Projecting Sign** in a **Commercial, Employment, Institutional, or Urban Centre Zone** provided a **Sign Permit** is received from the **Director** and the **Sign** meets the **Sign** specific requirements under this By-law.

25.2 For the purposes of this section, **Urban Centre Zone** shall not include the Historic Downtown **Urban Centre Zone** or the Downtown **Urban Centre Zone**.

25.3 Where a **Sign** is permitted to display **Electronic Changeable Copy** or **Mechanical Copy**:

- a) the **Sign** must comply with **Section 25.0** of this By-law;
- b) the **Sign** must be located a minimum of 30.48 metres (100.0 feet) away from a **Residential Zone**;
- c) the transition effects shall ensure a near instantaneous change between messages and shall not include effects that have the appearance of moving text or images;
- d) the **Sign** must not be within 15.24 metres (50.0 feet) of another **Sign** displaying **Electronic Changeable Copy** or **Mechanical Copy**;
- e) the **Sign** shall not be located within 22.86 metres (75.0 feet) of a **Street** intersection or traffic light;
- f) the **Sign** shall be erected in a manner so as not to be visible from a contiguous **Residential Zone**; and
- g) the brightness level must be lowered in accordance with ambient light conditions between the hours of 12:00 a.m. and 5:00 a.m.

- 25.4 **Signs** displaying **Electronic Changeable Copy** shall have a maximum transition time of one (1) second between static image displays and the changing of the **Sign Copy** shall not occur at intervals of less than six (6) seconds.
- 25.5 Where **Signs** display scrolling **Electronic Changeable Copy** or Mechanical Copy, the **Sign Copy** shall not revolve at a rate faster than eight (8) revolutions per minute.
- 25.6 All **Signs** displaying **Electronic Changeable Copy** shall come equipped with automatic dimming technology which automatically adjusts the **Sign's** brightness in direct correlation with ambient light conditions.
- 25.7 Electric illumination only is permitted in accordance with **Subsection 14.1** and **14.2** and shall be installed in accordance with the requirements of Newmarket Hydro.
- 26.0 Non-Profit Signs:**
- 26.1 A **Non-Profit Sign** shall only be located, erected or displayed on private **Property** save and except for the public **Property** as set out in **Subsection 26.2**
- 26.2 Subject to approval of the **Director**, a **Non-Profit Sign** may be located, erected, or displayed on the **Property** of **Town** facilities or **Property** owned and controlled by the **Town** provided that the **Non-Profit Sign** does not in any way interfere with any **Signs** or other notices posted by the Corporation.
- 26.3 A **Sign Permit** for a **Non-Profit Sign** shall be issued and valid for a maximum of twenty-one (21) calendar days prior to the fundraising event or charitable activity.
- 26.4 A **Non-Profit Sign** shall:
- a) be in the form of a **Temporary Sign** or **Portable Sign** or **Mobile Signs** according to the provisions contained in this By-law;
 - b) have a maximum of two (2) faces; and
 - c) be erected no sooner than twenty-one (21) calendar days prior to, and removed no later than forty-eight (48) hours after, the fundraising event or charitable activity.
- 26.5 Before being issued a **Sign Permit** for a **Non-Profit Sign**, the **Applicant** shall provide confirmation to the **Town** that a minimum of \$3,000,000.00 of valid comprehensive general insurance is in effect and proof of insurance showing the **Town** has been named as an additional insured if the **Sign** is to be located on **Town Property**.
- 26.6 A non-profit organization shall be permitted to erect or display up to fifty (50) **Temporary Signs** or ten (10) **Portable Signs** or five (5) **Mobile Signs** or a combination thereof, determined by the **Director**, on private **Property** within the **Town**. Such **Temporary Signs** or **Portable Signs** or **Mobile Signs** shall be displayed in a manner that is consistent with the provisions of this by-law.
- 26.7 Prior to issuing a **Sign Permit** the **Director** may request appropriate documentation confirming the status of a non-profit organization or charitable organization.

26.8 The **Sign Permit** fees for **Portable Signs, Mobile Signs, and Temporary Signs**, as set out in the **Fees And Charges By-Law** shall be waived for **Non-Profit Signs**.

27.0 Presumption:

27.1 Where a **Sign** is erected or displayed in contravention of any provision of this bylaw, any **Person** named on the **Sign** shall be presumed to have been the **Person** who erected or displayed the **Sign**, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

27.2 Where a **Sign** is erected or displayed in contravention of any provision of this bylaw, and the **Sign** has no **Person's** name on it, but a telephone number appears on the **Sign**, any **Person** to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the **Person** who erected or displayed the **Sign**, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

27.3 Where a **Sign** is erected or displayed by a corporation in contravention of any provision of this bylaw, the directors and officers of the corporation shall be presumed to have knowingly concurred in the erection or display of the **Sign** in contravention of this bylaw, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

27.4 Where an **Inspector** has reasonable grounds to believe that an offence has been committed by any **Person**, the **Inspector** may require the name, address and proof of identity of that **Person**, and the **Person** shall supply the required information.

28.0 Exemptions:

This By-law shall not apply to any **Sign** or any other **Advertising Device** erected for government or other public purposes by the **Town**, the Regional Municipality of York, or any Provincial or Federal governmental authority.

This By-law also does not apply to **Signs** within a building except for **Window Signs**.

29.0 Fees:

Fees shall be paid upon submission of an application for a **Sign Permit** as set out in the **Fees And Charges By-Law**.

30.0 Power Of Entry:

30.1 The **Town** may enter onto a **Property** at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) the provisions of this By-law;
- (b) an Order issued under this By-law; or
- (c) an Order made under Section 431 of the Act.

30.2 Where an inspection is conducted by the **Town**, the **Person** conducting the inspection may:

- (a) require the production of documents or relevant items for inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

30.3 The **Town** may undertake an inspection pursuant to an Order issued under Section 438 of the Act.

30.4 The **Town's** power of entry may be exercised by an employee, **Inspector** or agent of the **Town** or by a member of a police force with jurisdiction, as well by any **Person** under his or her direction.

31.0 Removal Of Signs And Enforcement:

31.1 When a **Sign** is erected, displayed, altered, repaired, or is not maintained, in contravention of the provisions of this By-law, such **Sign** may be removed immediately, by the **Town**, without notice, if located on, over, partly on, or partly over, **Property** owned by or under the jurisdiction of the **Town** at the expense of the **Sign Owner**, and under Section 446 of the Act, the **Town** may recover the costs by adding the cost to the tax roll and collecting in the same as taxes.

31.2 Where a **Sign** not requiring a **Sign Permit** is erected, displayed, altered, repaired, or maintained in contravention of the provisions of this By-law, the **Director** may notify or order the **Sign Owner** to repair, remove or to bring the **Sign** into compliance with the provisions of this By-law. Where such **Sign Owner** fails to bring the **Sign** into compliance, the **Director** may remove the **Sign** and charge the **Sign Owner** a fee as set out in the **Fees And Charges By-Law**.

31.3 When a **Sign** is erected, displayed, altered, repaired, or maintained in contravention of the provisions of this By-law, the **Director** may issue an order to any **Person** who:

- a) has erected, displayed, altered or caused or permitted to be erected, displayed or altered, a **Sign** on private **Property** for which a **Sign Permit** has not been obtained where such **Sign Permit** is required under the provisions of this By-law; or
- b) having obtained a **Sign Permit**, has erected or altered, or caused or permitted to be erected or altered, a **Sign** on private **Property** contrary to the **Sign Permit** issued.

31.4 The order shall require the **Sign** to be brought into compliance with this By-law within a timeframe of not less than fourteen (14) calendar days and shall include reasonable particulars to identify the contravention, the location of the contravention and the date by which the **Sign** must be brought into compliance with the By-law.

- 31.5 The order shall be served personally on the **Sign Owner**, or posted at the address of the **Business** to which the **Sign** relates and/or the address supplied on the **Sign Permit** application, or sent by registered mail to the last known address of the **Sign Owner**, in which case it shall be deemed to have been given on the 5th day after it is mailed.
- 31.6 Where an order has been issued and the **Sign** has not been brought into compliance with this By-law within fourteen (14) calendar days of the issuance of the order, the **Director** or **Inspector** may remove or cause to be removed, the **Sign** or any part thereof and/or may take any action necessary to prevent the **Sign** from being displayed in a manner that is contrary to this By-law. The **Town** may recover the cost of the removal or necessary action by action or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.7 Where a **Sign** has been removed by the **Town** such **Sign** shall be stored for a period of thirty (30) calendar days and the **Sign Owner** may redeem the **Sign** upon payment of the removal fees prescribed in the **Fees And Charges By-Law**. Where a **Sign** has not been redeemed within the thirty (30) day period, such **Sign** may be forthwith destroyed or otherwise disposed of by the **Town** without notice or compensation and the **Sign Owner** shall be invoiced or by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 31.8 Notwithstanding **Section 31.7**, upon removal, **Signs** under 1.0m² (10 sq ft.) will be destroyed or otherwise disposed of by the **Town** without notice as the **Director** deems fit.
- 31.9 **Subsections 31.2, 31.3, 31.4, 31.5 and 31.6** do not apply to **Temporary Signs, Portable Signs or Mobile Signs**.
- 31.10 Where a **Temporary Signs, Portable Sign or Mobile Sign** is erected, displayed, altered, repaired, or is not maintained, in contravention of the provisions of this By-law, such **Sign** may be removed at the direction of the **Town** without notice, at the expense of the **Sign Owner**.
- 31.11 Where the number of **Portable Signs or Mobile Signs** erected or displayed on any **Premises** exceeds the restrictions for those **Premises**, the excess **Signs** may be removed at the expense of the **Sign Owner**.
- 32.0 Penalty Provision:**
- 32.1 Any **Person** who contravenes a provision of this By-law, including an Order issued under this By-law, is guilty of an offence.
- 32.2 If a **Sign** has been constructed, erected, installed, altered, posted, displayed or maintained in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 32.3 If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 32.4 Any **Person** who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;

- b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 32.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 32.6 For the purposes of this By-law, an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 32.7 Where a **Person** is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.
- 32.8 Every Person who contravenes any provision of this By-law is liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62, as amended, and each day shall constitute a new and separate offence.
- 32.9 Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law 2019-62, as amended.
- 33.0 Variances:**
- 33.1 Any **Person** may apply for a variance from the provisions of this by-law
- 33.2 An application for a variance shall be made on the form prescribed by the **Town** and shall be accompanied by the non-refundable variance application fee in the **Fees And Charges By-Law**.
- 33.3 A variance from the provisions of this By-law may be granted where it is established that the proposed **Sign**:
- a) is warranted based on physical circumstances applicable to the **Property** or **Premises**;
 - b) is consistent with the architecture of the building or development of the **Property**;
 - c) is consistent with buildings and other features of properties or **Premises** within 120.0 metres (393ft) of the proposed **Sign**;
 - d) will not **Alter** the essential character of the area;
 - e) will not adversely affect adjacent properties;
 - f) will not adversely affect public safety;
 - g) is in the opinion of the decision maker, not contrary to the public interest; and
 - h) is not expressly prohibited by this by-law

- 33.4 The **Director** shall circulate the application to the **Property** owners of all abutting properties and/or the **Property** owners of any properties within 60 metres of the subject **Property** at the **Director's** discretion, prior to the consideration of the variance
- 33.5 Upon receiving an application for a variance from this By-law to permit the erection and display of a **Sign** other than a **Billboard Sign**, the **Director** may:
- a) grant a Variance;
 - b) grant a Variance with Conditions; or
 - c) refuse to Grant a Variance
- 33.6 An **Applicant** may request a review of the variance application decision of the **Director** within thirty (30) calendar days of the decision.
- 33.7 The request for review is made by filing a written request for review, on a form approved by the **Director**, to the **Appeal Committee**. The **Appeal Committee** may authorize **Sign** variances from the provisions of this By-law, provided that in the opinion of the **Appeal Committee** it is established that the requirements in **Subsection 33.3** are met.
- 33.8 A decision of the **Appeal Committee** is final and binding.
- 33.9 Upon receiving an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, the **Director** shall refer the application to the Committee of the Whole.
- 33.10 The **Director** shall circulate the application to all **Property** owners within 200 metres of the subject **Property** prior to consideration of the application by Committee of the Whole.
- 33.11 The Committee of the Whole may require a Public Information Centre be held before making its recommendation to Council in respect of the application for a variance from this By-law to permit the erection and display of a **Billboard Sign**.
- 33.12 Upon receiving the recommendation of the Committee of the Whole in respect of an application for a variance from this By-law to permit the erection and display of a **Billboard Sign**, Council shall:
- a) Grant a Variance;
 - b) Grant a Variance with Conditions; or
 - c) Refuse to Grant a Variance.
- 33.13 The decision of Council is final and binding.

34.0 Liability:

In addition to any other party who commits the offence with respect to the **Sign** by-law, the owner of the **Premises** on which the **Sign** was constructed, erected, installed, posted, displayed or maintained shall be deemed to commit the offence.

35.0 Transition:

After the date of passing of this by-law, By-law 2016-28, as amended, applies only to **Signs** in respect of which a permit, variance or order has been issued or applied for, prior to the date of passing of this by-law, and then only to such **Signs** until such time as the work required by

such permit, variance or order has been completed or any enforcement proceedings in respect of such order.

36.0 Severability:

Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary;

37.0 Short Title:

This By-law shall be referred to as the "Sign By-law"; and,

That By-law 2016-28 is hereby repealed.

Enacted this 4th Day of December, 2017.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Diagram 1

