

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1109

Being a by-law to repeal By-Law No. 809, and being a by-law to regulate signs and other advertising devices in the Town of Marathon.

WHEREAS Paragraph 146, Section 210 of The Municipal Act, R.S.O. 1990, Chapter M.45, authorizes the council of a municipality to enact by-laws prohibiting or regulating signs and other advertising devices, or any class or classes thereof, and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway;

AND WHEREAS Part XIX of The Municipal Act applies to any and all by-laws passed under the Authority of the said Municipal Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

SECTION 1 **DEFINITIONS AND INTERPRETATIONS**

1.1 This by-law may be cited as the Sign By-Law.

1.2 In this by-law, the following terms shall have the following meanings:

a) **ADVERTISING DEVICE** - means any device or object erected, located upon or affixed to property for advertising purposes, and, without limiting the generality of the foregoing, may include flags, banners, pennants or lights.

b) **ALTERATION/ALTER** - means any change to a sign structure or to the sign face except:

(i) removal and replacement of the copy thereon; or

(ii) maintenance and repair of a sign, in accordance with the provisions of this by-law.

c) **AWNING SIGN** - means a sign painted or affixed to a cloth or plastic awning, mounted on a frame and attached to the main wall of a building but does not include a canopy sign.

d) **CHIEF BUILDING OFFICIAL** - means the person from time to time so appointed and employed by the Corporation and shall include any other Corporation employee which Council designates authority to enforce this by-law.

e) **CLOTH OR BANNER SIGN** - means a banner made of cloth or other like material.

f) **COMMERCIAL BILLBOARD SIGN** - means a sign located on a municipal highway which contains a message that is not related to the property that the sign is located on.

f) **CORPORATION** - means The Corporation of the Town of Marathon.

g) **CURB** - means the line of the established curb in front of a

building measured to the street side of the curb.

- h) **DIRECTIONAL SIGN** - means a sign which provides direction to a place, regulates traffic or designates the location of a parking or loading area.
- i) **ERECT** - means to affix, build, place, construct, paint, letter or install.
- j) **FACE OF BUILDING/BUILDING FACE** - means the general outer surface, not including cornices, bay windows or other architectural trim, of any main exterior wall of a building or structure.
- k) **FLAT SIGN** - means a sign which is attached directly to the wall of a building and projecting out from such wall not more than 45 centimetres (1 foot 5 inches) and hanging at least 3 metres (10 feet) above grade.
- l) **GRADE** - means the finished level of the ground directly beneath a sign.
- m) **GROUND SIGN** - means a free-standing sign, in a fixed location, wholly supported by uprights or braces set in the ground.
- n) **HIGHWAY** - means a highway as defined in Section 257 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended.
- o) **LANE** - means a passage or way open to traffic as a secondary means of access to abutting lots and not intended for general traffic circulation.
- p) **LOCAL BOARD** - means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.
- q) **MARQUEE OR CANOPY SIGN** - means any roof like covering extended, permanently fixed or supported from the front, side or rear of a building whether over doors, windows or otherwise and may be composed of metal, wood, masonry, concrete or other material and consisting of a flat roof with an edge on all exterior sides together with at least one hopper type roof drain connected to the building sewer, but does not include an awning sign.
- r) **PERMANENT SIGN** - without limiting the generality of the foregoing, means any sign or other advertising device intended for a permanent period of display.
- s) **PLACING** - means constructing, posting, painting, printing, tacking, mounting, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.
- t) **PROJECTING SIGN** - means a sign other than a wall sign suspended from or supported by a building or structure and

projected out therefrom and includes an awning sign and a canopy sign.

- u) **ROOF SIGN** - means a sign erected, constructed, located or maintained on or above the roof or parapet of a building.
- v) **SIGN** - means and includes the following:

a sign, poster, bulletin board, billboard, awning, marquee or canopy or any advertising device whether illuminated by any means or not, and erected wholly or partly on private property or wholly or partly within the limits of any curb, lane, highway, or attached to or forming part of any building, post or other structure or erection within the limits of the Town of Marathon; and any surface upon which advertising or other identification of product or business is displayed; and any fixture, wire, pipe or fitting used in illuminating such signs; and any frame, truss or other supporting member of a sign.
- w) **TEMPORARY GROUND SIGNS** - without limiting the generality of the foregoing, includes a portable sign affixed to a frame supported on the ground, a free standing advertising device or placard not affixed to the ground or to any building and intended for a limited period of display.
- x) **TEMPORARY SIGN** - means a banner, sign or other advertising device intended for a limited period of display.
- y) **TRAFFIC CONTROL DEVICE** - means any sign, signal marking or installation placed or erected under public authority for the purpose of regulating, warning or guiding traffic.
- z) **WALL SIGN** - is a sign attached to or placed against the wall of a building or other structure.
- aa) **ZONE** - means a part of the Town which land use restrictions are in force under the relevant restricted area by-laws of the Town of Marathon.

SECTION 2 APPLICATION

- 2.1 Subject to Section 3 of this by-law, no person shall erect, display, alter or repair a sign or other advertising device located within the Town of Marathon unless a permit therefore has been obtained from the Chief Building Official.
- 2.2 A permit shall not be issued to erect, display, alter or repair a sign or other advertising device located within the Town of Marathon unless an application for such sign or other advertising device has been approved by the Chief Building Official as being in conformity with the provisions of this by-law and all other by-laws of The Corporation of the Town of Marathon.
- 2.3 The provisions of this by-law are subject to the provisions of the relevant zoning by-law or any other by-laws of The Corporation of the Town of Marathon.
- 2.4 The provisions of this by-law shall not apply to a sign painted or posted on the interior surface of any window or door glass in a building nor to the installation of a sign or advertising device within a building.

- 2.5 A change in the message displayed on a sign or advertising device shall not in itself constitute an alteration so as to require a permit, provided such sign or other advertising device has been and continues to be erected in compliance with a permit issued under this by-law or in compliance with a permit issued under by-laws of the Town in force on the date such permit was issued.

SECTION 3

PROHIBITIONS

PROHIBITIONS

- 3.1 Subject to Section 3.3 no person shall erect, construct, locate or maintain a sign or other advertising device located within the Town of Marathon unless a permit has been obtained in accordance with this by-law.
- 3.2 No person shall:
- a) erect any sign or any other advertising device, or post notices on any building or vacant lots within the Town, except as provided herein;
 - b) pull down or remove or deface any sign or other advertising device which is lawfully affixed;
 - c) nail or otherwise attach anything, or cause anything to be so nailed or otherwise attached to or upon any property managed by the Corporation or any local board;
 - d) nail, post or otherwise attach a sign or signs to a tree or trees or otherwise place a sign or signs on or against any tree or trees;
 - e) place a sign on a fence, boarding or barricade;

EXCEPTIONS

- 3.3 Notwithstanding the provisions of Section 3.1 and 3.2 a permit is not required for the following:
- a) a wall sign of not more than 3 square metres (32 square feet) in area and projecting not more than 8 centimetres (3 inches) if such sign is otherwise permissible under the relevant zoning and other by-laws;
 - b) municipal or provincial traffic control device or signs or a sign related to a candidacy for a municipal, provincial or federal election provided such sign is removed within 48 hours following the holding of the election to which it relates;
 - c) a sign on a fence, boarding or barricade erected by the owner of the premises indicating the name of contractors working on the premises, the access or non-access permitted to the place of business or the nature of the business being conducted thereon, provided the area of the sign, in the aggregate thereof is more than 3 square metres (32 square feet);
 - d) municipal building numbers and name plates, provided the area of the sign, in the aggregate thereof, is not more than 0.2 square metres (2.2 square feet);
 - e) a temporary, non-illuminated real estate sign indicating that property is for sale or lease, provided the area of the sign, in

the aggregate thereof, is not more than 0.3 square metres (3.2 square feet);

- f) a sign required to be erected and display by law;
- g) a temporary sign advertising a fundraising or other event of a civic, philanthropic, educational or religious nature provided such sign is removed within 48 hours following the holding of the event to which it relates;
- h) a "no trespassing", safety or caution sign, provided:
 - (i) the area of the sign is not more than 0.25 square metres (2.70 square feet); and
 - (ii) the height of the sign is not more than 2.0 metres (6 feet 5 inches).
- i) a plaque identifying the building or structure which has been designated by the Council of the Corporation as having historical or architectural value or interest pursuant to The Ontario Heritage Act describing the historical or architectural significance of the building or structure; and
- j) a directional sign.

SECTION 4

PERMIT APPLICATIONS AND DRAWINGS

4.1

Every applicant for a permit to erect any sign shall file with the Chief Building Official in addition to any other information required by this by-law:

- a) an application for a permit upon the forms prescribed from time to time by the Chief Building Official;
- b) a block plan showing:
 - (i) the street and property boundaries of the property upon which it is proposed to erect the sign; and
 - (ii) the proposed location of such sign thereon in relation to other structures, property boundaries and adjoining premises;
- c) complete drawings specifying:
 - (i) the construction of the sign;
 - (ii) a section through a supporting roof, wall and floor;
 - (iii) the construction, anchorage and elevation of the structure to which the sign is to be attached; and
 - (iv) any additional relevant information which will assist the Chief Building Official in determining whether the structure of the building can withstand the pressures imposed by the sign.
- d) In any application where the Chief Building Official is of the opinion that any of the foregoing information is not required, the Chief Building Official may dispense with the filing thereof.

- e) No permit shall be issued unless the Chief Building Official is satisfied that the proposed sign can be erected and maintained safely.
- f) In addition to any of the requirements contained herein, in issuing a permit hereunder, the Chief Building Official may impose such terms or conditions to the permit as are necessary to ensure public safety or to ensure that requirements of this by-law are met.

SECTION 5

GENERAL

- 5.1 Each face or division of a multiple-faces sign shall be deemed to be a separate sign for the purposes of this by-law.
- 5.2 Nothing in this by-law authorizes a person to erect a sign or advertising device in such manner that any portion of its surface or supports will interfere with the use of any fire escape, exit, highway, window, standpipe, ventilator, door, stairway, passageway, sidewalk, street, lane or curb.
- 5.3 Every applicant for a permit under this by-law and every person erecting a sign or advertising device has an onus to maintain the sign and advertising device in a safe condition of repair at all times.
- 5.4 Every applicant for a permit under this by-law has an onus to ensure that each sign or other advertising device shall be made of materials of sufficient strength and designed to withstand external pressure or suction due to wind.
- 5.5 Every applicant for a permit under this by-law has an onus to ensure that the working stress of all chains, wire, ropes, steel guy rods and fastenings used to support a sign(s) or other advertising device(s) shall provide a 100 percent safety margin.
- 5.6 Every applicant for a permit under this by-law has an onus to ensure that all sign fastenings, metal brackets, expansion bolts, through bolts, lag screws and other attachment devices shall be galvanized or otherwise rust-proofed and of adequate strength as prescribed in this by-law.
- 5.7 Every applicant for a permit under this by-law has an onus to ensure that the bottom of any sign or other advertising device shall be at least 0.75 metres (2 feet 5 inches) above the ground, and the space under such sign or advertising device may be open or trellised with light wood or metal.
- 5.8 Unless approval is obtained from the affected telephone or cable company, no person shall be allowed to erect, construct or maintain a sign or advertising device if such sign or advertising device is located within;
 - (i) 1.5 metres (5 feet) above or below a wire or cable;
 - (ii) 1.5 metres (5 feet) at the side of a cable; or
 - (iii) 0.75 metres (2 feet 5 inches) at the side of a telephone wire.
- 5.9 Unless approval is obtained from the Public Utilities Commission, no person shall be allowed to erect, construct or maintain a sign or advertising device where the location is:

- (i) 1.6 or less metres (5 feet 3 inches) near the primary conductor of electricity;
- (ii) 1 or less metres (3 feet 3 inches) near the secondary conductor of electricity; or
- (iii) 1.6 or less metres (5 feet 3 inches) near any electrical power pole or supporting guide wire.

5.10 No applicant for a permit shall be allowed to erect, construct or maintain a sign or advertising device, where in the opinion of the Chief Building Official, the construction and texture of such sign or advertising device would likely cause injury or is likely to become dangerous or defective because of vibration, corrosion or disintegration.

SECTION 6

REMOVAL OF SIGNS

- 6.1 Where, in the opinion of the Chief Building Official, any sign or advertising device is in a dangerous or defective condition, the said Chief Building Official shall, by notice of violation require the owner, lessee or agent of the premises upon which such sign or advertising device is located to remove or repair or replace such sign or advertising device within such time as the Chief Building Official may specify in the notice.
- 6.2 Upon receipt of such notice of violation from the Chief Building Official, the owner, lessee or agent of such premises shall at once proceed to repair or remove or replace such sign or advertising device.
- 6.3 If the owner, lessee or agent of such premises fails to repair or remove such sign or advertising device, the Council may direct that such removal be done at the owner, lessee or agent's expense, and the Municipality may recover the expense incurred by bringing an action against the owner, lessee or agent, or the same may be recovered as against the owner in like manner as municipal taxes pursuant to Section 325 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended.

SECTION 7

UNLAWFUL OR NON-CONFORMING SIGNS

- 7.1 The Chief Building Official may, by notice of violation, require any person who:
- (i) has erected and displayed or caused to be erected and displayed a sign or other advertising device without having first obtained a permit to do so to make such sign or other advertising device comply with this by-law within 48 hours of the date of the notice; or
 - (ii) having obtained a permit, has caused to be erected and displayed a sign or other advertising device contrary to the approved plans in respect of which the permit was issued to bring such sign or advertising device into compliance with the approved plans within 30 days of the date of the notice.
- 7.2 Where any person fails to comply with a notice issued under Section 7.1(i) or (ii) the Chief Building Official may cause such sign or other advertising device to be removed at the expense of the owner and the Corporation may recover the costs incurred by action or like manner as municipal taxes pursuant to Section 325 of The Municipal Act, R.S.O. 1980, Chapter 302.

- 7.3 The provisions of this by-law shall not apply to a sign or other advertising device that is lawfully erected or displayed on the day this by-law comes into force so long as such sign or other advertising device is not in any way substantially altered.

SECTION 8 **GENERAL PROVISIONS AND PROHIBITIONS FOR CLASSES OF SIGNS**

8.1 **GROUND SIGNS**

- 8.1.1 No person shall erect or display or cause to be erected or displayed a ground sign on a lot having a frontage of less than 6 metres (20 feet).
- 8.1.2 No person shall erect or display or cause to be erected or displayed more than one ground sign within the frontage of a lot.
- 8.1.3 No person shall erect or display or cause to be erected or displayed a ground sign having a height of more than 9.0 metres (30 feet) above grade.
- 8.1.4 Where the setback of signs is not required by the zoning by-law, no person shall erect or display or cause to be erected or displayed any ground sign within 1 metre (3 feet 3 inches) of a street line or within 6 metres (20 feet) of the point of intersection of two street lines abutting a lot.

8.2 **ROOF SIGNS**

- 8.2.1 No person shall erect or display or cause to be erected or displayed a roof sign which:
- (i) in height of sign, exceeds the maximum permitted height level for a building or structure in any zone;
 - (ii) extends more than 6.0 metres (20 feet) above the uppermost level of the roof or parapet, whichever is higher, of a building.
- 8.2.2 No person shall erect or display or cause to be erected or displayed more than one roof sign within the frontage of a building.

8.3 **WALL SIGNS**

- 8.3.1 No person shall erect or display or cause to be erected or displayed a wall sign which:
- (i) projects to a distance of more than .08 metres (3 inches) on a public highway or lane when the height of the lowest part of the sign is less than 3 metres above grade;
 - (ii) projects to a distance of more than 30 centimetres (1 foot) when the lowest part of the sign is more than 3 metres (10 feet) and less than 6 metres (20 feet) above grade;
 - (iii) projects a distance of more than 60 centimetres (2 feet) when the lowest part of the sign is 6 metres (20 feet) or more above grade; and
 - (iv) projects to a distance of more than 1/3 of the vertical length of the sign unless steel bracing is employed in a manner satisfactory to the Chief Building Official.

8.4 **PROJECTING SIGNS**

8.4.1 No owner of a projecting sign shall construct or place such a sign where the lowest point is less than 3 metres (10 feet) above the sidewalk level.

8.4.2 No owner shall construct or place any signs which project from a building face or structure within 0.6 metres (2 feet) of a line drawn perpendicularly upward from the curb line.

8.4.3 No owner shall be allowed to suspend swinging signs unless given approval by the Chief Building Official.

8.4.4 No owner shall construct a projecting sign which contains sheet or plate glass material.

8.5 **AWNING SIGNS**

8.5.1 No person shall erect or display or cause to be erected or displayed an awning sign having a copy comprising more than two lines of letters, with or without a logo or symbol.

8.5.2 No person shall erect or display or cause to be erected or displayed an awning sign having an area of copy exceeding 5 square metres.

8.5.3 No person shall erect or display or cause to be erected or displayed an awning sign to a distance of not less than 0.6 metres (2 feet) of a line drawn perpendicularly upward from the curb line.

8.5.4 No person shall erect or display or cause to be erected or displayed an awning sign less than 2.5 metres (8 feet 2 inches) above the sidewalk level.

8.6 **MARQUEES AND CANOPIES**

8.6.1 No person shall erect or display or cause to be erected or displayed a marquee or canopy sign within a height of 3 metres (10 feet) above sidewalk level.

8.6.2 No person shall erect or display or cause to be erected or displayed a marquee or canopy to a distance of not less than 0.6 metres (2 feet) of a line drawn perpendicularly upward from the curb line.

8.6.3 No person shall erect or display or cause to be erected or displayed a canopy sign having an area of copy of more than the multiple of 0.3 times the perimeter, in metres, of the canopy or marquee on which such a canopy sign is mounted.

8.7 **CLOTH OR BANNER SIGNS**

8.7.1 No person shall erect or display or cause to be erected or displayed a cloth or banner sign unless such signs are secured using rope or wire guys.

8.8 **TEMPORARY GROUND SIGNS**

8.8.1 No person shall erect or display or cause to be erected or displayed a temporary ground sign within 3 metres (10 feet) of a road allowance, street or highway.

8.9 **COMMERCIAL BILLBOARD SIGNS**

8.9.1 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign on any municipal highway except within

the area as specified in Schedule "B" attached to and forming part of this by-law.

- 8.9.2 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign which exceeds 12 square metres (128 square feet) in area.
- 8.9.3 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign which exceeds 6 metres (20 feet) in height above the ground.
- 8.9.4 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign within 155 metres (500 feet) of another commercial billboard sign per direction.
- 8.9.5 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign on the left hand side of the highway facing the motorist.
- 8.9.6 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign at a location where the left edge of the sign will be less than 9 metres (30 feet) from the edge of the pavement.
- 8.9.7 No person shall erect or display or cause to be erected or displayed, a commercial billboard sign that is less than 45 degrees in angle as it relates to the centre line of the highway. That is, if the plane forming the face of the sign was extended in a straight line to intersect the centre line of the highway, the angle this formed would be at the minimum angle of 45 degrees.
- 8.9.8 No person having obtained a permit to erect or display a commercial billboard sign shall allow such sign to deteriorate to an unsightly condition.
- 8.9.9 No person having obtained a permit to erect or display a commercial billboard sign shall permit trees, brush or shrubs to block the visibility of such sign. Any trees, brush or shrubs cut down for visibility purposes shall be promptly removed from the road allowance.

SECTION 9

FEES FOR SIGN PERMITS

- 9.1 The fees to be charged for the issuance of permits as required in this part are set out in Schedule "A" of this by-law.

SECTION 10 ROAD ALLOWANCE

- 10.1 Except as herein otherwise provided, no sign other than a sign erected by the Corporation, an excavation sign or a sign indicating a bus stop shall be erected upon a road allowance, street or highway.

SECTION 11 OFFENCES AND PENALTIES

Every person who:

- a) contravenes or fails to comply with any order or notice of the Chief Building Official; or
- b) fails to comply with any provision of this by-law; or
- c) knowingly makes a false statement in any permit application or document required by this by-law; or

- d) contravenes or fails to comply with a term or condition of a permit issued under the by-law;

is guilty of an offence and on conviction thereof is liable for a fine not exceeding \$5,000.00, and all such penalties shall be recoverable under The Provincial Offences Act, R.S.O. 1990, Chapter 33, as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED

THIS ____ DAY OF _____, A.D. 1997.

.....
Acting Mayor

(SEAL)

.....
Acting Clerk

SCHEDULE "A" TO BY-LAW NO. 1109

Permit Application Fees:

- Temporary Ground Signs - \$2.00 per day
- Permanent Sign - \$7.00 per \$1,000.00 or part thereof of the estimated cost of the work, with a minimum fee being \$30.00
- Commercial Billboard Signs - \$110.00 per year or any portion of a year

SCHEDULE "B" TO BY-LAW NO. 1109

The areas within The Corporation of the Town of Marathon in which commercial billboard signs are permitted on municipal highways are described as follows:

- 1) Peninsula Road commencing a point 90 metres west of its intersection with Highway 17, and continuing along Peninsula Road to the point at which Peninsula Road intersects within Old Heron Bay Road.