

TOWN OF SMITHS FALLS

SIGN BY-LAW NO. 6018-94, AS AMENDED

Amended by By-laws:

7060-95

7501-99

7614-01

7851-2004 – To add definition of yard sales, exempt yard sales from permit requirements and impose time restrictions for posting of yard sale signs under Sections 8 and 12

8245-2009- Add a Not for Profit Definition/Provision under Section 2 and Amend Schedule A

8258-2009- Amend Merchandise Display Definition and Amend Schedule A

8389-2011 Amend Requirement for Auction Directional Signage

8580-2013 Amend to prohibit or regulate the erection of signs, advertising devices, posting of notices, portable signs and merchandise displays

8944-2017 Amend Temporary Event Signs provisions

OFFICE CONSOLIDATION: This is an office consolidation of the Sign By-law and amendments thereto which has been prepared for convenience only. While every effort has been made to ensure the accuracy of the information contained herein, reference should be made to the original by-law and all amending by-laws for legal purposes.

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**SIGN BY-LAW NO. 6018-94
AS AMENDED**

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THE CORPORATION OF THE TOWN OF SMITHS FALLS
OFFICE CONSOLIDATION OF BY-LAW NO. 6018-94
As amended

A By-law for prohibiting or regulating the erection of signs, advertising devices, posting of notices, portable signs and merchandise displays within the Town of Smiths Falls.

WHEREAS pursuant to Subsection 146 of Section 210 of the Municipal Act, Chapter M.45, R.S.O. 1990 a municipality may pass by-laws for prohibiting or regulating signs and other advertising devices, may define a class or classes of signs or other advertising devices and may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. SCOPE AND CONFORMITY REQUIREMENTS

- 1.1 No sign or its structure, temporary or permanent, shall be erected or enlarged or altered or placed for any purpose within the Town of Smiths Falls except as permitted by this by-law and in conformity with the applicable provisions of the Ontario Building Code.

2. INTERPRETATION

- 2.1 In this by-law:
- 2.1.1 “Accessory or Business Sign” means a sign, symbol, trademark, structure or similar device used to identify the use or the type of business activity pursued by the person, firm, corporation, business, service, commercial or industrial enterprise which is displayed upon the lot or premises occupied by such an enterprise.
- 2.1.2 “Area of Sign” means the number of square meters on the surface of a sign including the border and frame and where there is no border shall include all the area of the surface lying within the extremities of the sign.
- 2.1.3 “Awning” means a roof like projection supported entirely from the exterior wall of the building composed of rigid or non-rigid materials except for the supporting framework. Only those awnings containing advertising copy shall be governed by the provisions of this by-law.
- 2.1.4 “Banner” means a band or strip of fabric that bears advertising copy or slogan of a temporary nature.
- 2.1.5 “Chief Building Official” means the Chief Building Official of the Town of Smiths Falls and/or his designated representative.
- 2.1.6 “Commercial Sign” means a sign accessory to the permitted main commercial use.
- 2.1.7 “Community” means the Town of Smiths Falls proper and the adjacent rural commercial lands
- 2.1.8 “Corporation” means the Corporation of the Town of Smiths Falls
- 2.1.9. “Council” means the Council of the Corporation of the Town of Smiths Falls
- 2.1.10 “Directional Sign” means a sign indicating a direction to be followed to attain a certain destination with only the destination and/or distance identified.
- 2.1.11 “Directional Information Sign” means a sign indicating the direction with regard to pedestrian and/or vehicular

movement.

- 2.1.12 “Double Faced Sign” means a sign having two sign faces, each face being of equal area and identical proportions to the other and with each face located on the sign structure so as to be exactly opposite the other.
- 2.1.13 “Election Sign” means any sign advertising or promoting the election of candidates.
- 2.1.14 “Electronic Message Display” is that part of a sign which is electronically controlled and which displays information in a prearranged sequence, and on which the intensity of illumination is maintained at a constant level; which may also include time and temperature signs.
- 2.1.15 “Fascia Sign” means a single faced sign located in such a manner that the sign face is parallel to the main wall of the building to which it is attached.
- 2.1.16 “Flashing Sign” means an illuminated sign, fixed or rotating upon which the source of artificial light is not stationary or the intensity or colour is not constant, but does not include illuminated signs indicating time or temperature.
- 2.1.17 “Free Standing Sign” means a sign supported and placed on pole(s) or standard(s).
- 2.1.18 “Ground Sign” means any sign directly supported by the ground without the aid of any other building or structure, other than the sign structure.
- 2.1.19 “Height of Sign” means the vertical distance from the ground to the highest extremity of the sign including the border or frame and in the case of a sign without border or frame, the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is the highest.
- 2.1.20 “Home Business Occupation or Professional Sign” means a sign identifying a permitted accessory use.
- 2.1.21 “Illuminated Sign” means a sign that is lighted by an external source.
- 2.1.22 “Industrial Sign” means a sign accessory to the permitted industrial use.
- 2.1.23 “Institutional Sign” means a sign accessory to the permitted institutional use.
- 2.1.24 “Length of Sign” means the distance between the border or frame of the sign measured horizontally and in the case of a sign without border or frame, it means the horizontal distance between the first and last extremities of the lettering, symbols or other parts of the sign.
- 2.1.25 “Lot Line” means the division line between a utility or right-of-way or a lot, or the division line between two lots.
- 2.1.26 “Luminous Sign” means a sign that is backlit or lighted by an internal source.
- 2.1.27 “Marquee” means an awning raised as a shelter from the door of a dwelling or public building toward the curb.
- 2.1.28 “Merchandise Display” means any display of commercial goods or merchandise for sale, offer or promotion of professional service or the display of flowers/flower pots or similar objects.
- 2.1.29 “Not for Profit” a not-for-profit corporation carries on its activities without the purpose of gain for its members. It is incorporated under the Corporations Act as a corporation that does not issue shares. It must have not-for-profit purposes, and use any profits to promote those purposes. The most common types are: charitable (including religious organizations), social clubs, service clubs, sporting and athletic organizations, professional and trade associations, ratepayers' associations, and other community organizations.
- 2.1.30 “Off-Site Sign” shall mean any advertising sign, symbol or structure erected and maintained by a person, firm,

- corporation, or business which is intended for display at any location other than the location at which the goods or services advertised are made, manufactured, provided, sold or offered for sale.
- 2.1.31 “Permitted Use” is a use allowable within a zone pursuant to the applicable zoning by-law.
- 2.1.32 “Portable sign” means a sign that is designed to be relocated from place to place and not permanently affixed to any structure.
- 2.1.33 “Projecting Sign” means a sign attached to but not parallel to the main wall of the building.
- 2.1.34 “Publicly Owned Lands” shall mean lands owned by a municipal, provincial or federal agency as well as those lands owned by a public agency including public utilities.
- 2.1.35 “Real Estate Sign” means a notification advising that a property is to be sold, rented or leased and which may also indicate to whom a person should inquire with regard thereto.
- 2.1.36 “Residential Sign” means a sign accessory to the permitted residential use.
- 2.1.37 “Sign” includes an advertising device or notice and means any medium including its structure and other component parts, which is used or is capable of being used to attract attention to a specific subject matter.
- 2.1.38 “Swing Sign” means a sign mounted on a building or other structure in such a manner as to allow movement due to wind.
- 2.1.39 “Trailer Sign” means an advertising device, luminous or not, with or without a changeable message display, which base is designed and/or constructed so as to be towed on a highway, whether or not the wheels have been removed or replaced with legs.
- 2.1.40 “Yard Sale Sign” means an off-site sign which indicates the location of a yard sale.
- 2.1.41 “Zone” means a designated area of land use as described in the Town’s Zoning By-law.

3. APPLICATION FOR PERMIT

- 3.1.1 No person shall erect, cause to be erected or structurally altered any sign within the Town of Smiths Falls without first obtaining a sign permit from the Chief Building Official.
- 3.1.2 Every person, having obtained a sign permit, shall comply with the terms and conditions associated with its issuance.
- 3.2 Prior to the issuance of a sign permit, an application for a permit, as prescribed in Schedule “B”, shall be submitted to the Chief Building Official in order that the proposed sign may be evaluated as to conformity to this by-law.
- 3.3 The application for the permit shall be accompanied by the following information and filed in duplicate:
- a) completed drawings and specifications of what is to be erected or structurally altered, including, where applicable, details of supporting framework, including materials to be used and lighting;
 - b) plans indicating the location of the sign on the building relative to vehicle accesses, doors, windows, and other existing signs on the site;
 - c) a site plan to scale indicating the location on the site, street lines and other boundaries of the property and the location of the building(s) thereon;
 - d) required application fee as established in Schedule “A” hereto; and

- e) professional certification of the structural adequacy of the sign, if deemed necessary by the Chief Building Official.
- 3.4 On receipt of a completed application, the Chief Building Official or his designate shall review and approve all applications that conform to the regulations contained in this by-law. Notice of approval or rejection of such application shall be communicated to the applicant within 30 days of the date of receipt of such completed application.
- 3.5 A decision of the Chief Building Official may be appealed to the Economic Development and Planning Committee of Council (now Committee of the Whole). The Committee may upon application of any person, authorize variances from the by-law if in the opinion of the Committee the general intent and purpose of the by-law are maintained.
- 3.6 In addition, the provisions of this by-law may be waived or altered by approval of a Site Plan Control Agreement within which signage on the subject site has been regulated.
- 3.7 Fees to be paid upon application for a sign permit shall be as set out in Schedule "A" hereto. Such fees are intended to cover the cost of evaluation and inspection of the application, site and proposed sign and shall not be refunded.

4. PERMIT EXEMPTIONS

- 4.1 No permit shall be required for:
- a) any poster or sign of a candidate or cause in a Municipal, Provincial or Federal election;
 - b) signs of public authority and signs prescribed by law;
 - c) signs for public convenience (such as delivery, caution, entrance, construction or detour signs);
 - d) temporary signs at an active construction or home renovation site indicating the nature of the project and the developer, contractors and other professionals and trades involved in the development of the site. A maximum of one sign per site, not exceeding 3 m² (32 sq.ft.), will be permitted without permit;
 - e) municipal exhibition or events sign. If such exhibition or event sign contains advertising copy, the size of such advertising shall not exceed 40% of the sign face and shall be tendered allowing all interested parties the opportunity to bid on the proposed sign location;
 - f) real estate signs .93 m² (10 sq.ft.) or less in accordance with the provisions of Section 5.9 to this by-law. Portable real estate open house signs shall also be exempt from the provisions of Section 6 provided their placement does not obstruct vehicular or pedestrian movement and the duration of such placement is less than 24 hours;
 - g) merchandise displays shall be exempt from certain provisions of this by-law with respect to location of displays and advertising on streets that have been closed by motion of Council. Other provisions with respect to application, indemnity, permit and fees shall remain applicable;
 - h) The fee for each merchandise display organized and sponsored by the Farmers Market Association or as part of a special community event shall be waived however one umbrella application, indemnity, permit and fee shall be applicable for the sponsoring organization itself.
 - i) Yard sale signs.

- j) Portable Auction Directional Signage .93m²(10 sq. ft.) or less shall be exempt from the provisions of Section 6, provided their placement does not obstruct vehicular or pedestrian movement and the duration of such placement is less than 24 hours;
- k) Temporary promotional community event signs of the following nature and in accordance with the provisions of the bylaw:
 - i. Events taking place in the Town of Smiths Falls or which benefit/serve the community of Smiths Falls;
 - ii. Events that are open to the public;
 - iii. The following types of events will not be accepted:
 - a. Individual store sales/business events
 - b. Family/small group events
 - c. Corporate Open Houses
 - d. Permanent exhibitions

5. GENERAL REGULATIONS

5.1 Lighting of Signs

No sign with red or amber lighting shall be located in such a fashion so as, in the opinion of the Corporation, to:

- a) diminish or detract from the effectiveness of any traffic signal or similar safety warning device;
- b) fall within the vision of motorist in such a manner so as to create traffic hazard.

5.2 Luminous and Illuminated Signs

5.2.1 Luminous and illuminated signs may be erected in commercial and industrial zones only.

5.2.2 Luminous and illuminated signs shall be located so as to reflect light away from adjacent premises or streets to prevent any glare or blinding spillover effect.

5.3 Location of Signs

5.3.1 No sign or advertising device shall be placed upon the roof of any building.

5.3.2 No sign or advertising device shall be attached to or placed upon any building in such manner as to obstruct any fire escape or to interfere in any way with the work of the Fire Department, in case of fire.

5.3.3 No sign or advertising device shall be erected so as to interfere with the site triangle at intersecting streets.

5.3.4 No sign or advertising device, except portable signs and sandwich board signs in accordance with Section 6, shall be erected so as to extend over publicly owned lands beyond the limits specified herein.

5.3.5 No banner, stringer or advertising device shall be suspended across any street without the prior approval of the Town of Smiths Falls. A banner displayed on the face for a building, fence or other structure shall be considered in a like manner as a fascia sign provided the fee may be pro-rated subject to the minimum, by the Chief Building Official.

5.4 Prohibited Sign-Like Devices

5.4.1 No vending machine, scale, newsstand or such obstruction shall be placed on any publicly owned street, square, footway, sidewalk or boulevard, but this section shall not apply to temporary parking control signs erected by

the Police Department of Public Works Department (now known as the Utility and Environmental Services Department) of the Town.

- 5.4.2 No person shall affix any poster, dodger, hand bill, notice of advertisement on or to any structure, pole or tree on any street or private property without prior written permission of the owner of such structure, pole or tree.

5.5 Hold Harmless Agreement and Liability Coverage

The owner or person in control of a marquee, awning or sign extending into a publicly owned street, sidewalk or boulevard shall execute a hold harmless agreement indemnifying the municipality against all loss, cost, damages or expenses incurred or sustained by or recovered against the municipality by reason of the construction or maintenance of the marquee, awning or sign. A minimum of one million (\$1,000,000.00) of liability insurance shall be in full force.

The execution of a hold harmless agreement and the insurance certification referred to above shall be in the form prescribed by the Council and set out in Schedule "B" to this by-law.

5.6 Electrical Work

All electrical work in a sign shall conform with the applicable regulations of the Canadian Standards Association.

5.7 Maintenance

- a) Every sign shall be kept in good repair and in a safe and secure condition so as not to endanger the safety of the public at any time.
- b) The appearance of every sign shall be maintained in a neat condition, free from corrosion, loose paint, fading surfaces and broken parts.
- c) It shall be the duty and responsibility of the owner or lessee of any sign to maintain the immediate premises occupied by the sign in a neat and tidy condition.

5.8 Inspection

The Owner or installer shall notify the Town on completion of a sign installation in order that an inspection of the installation may be completed to ensure compliance with the by-law.

5.9 Real Estate Signs

- a) Further to Section 4.1(f) no real estate sign shall be affixed to any utility poles or municipal standards or be erected or placed on publicly owned lands without the permission of the owner.
- b) There shall be a limit of one double faced sign per property up to a frontage of 45.7m (150 feet).
- c) Corner lots, being lots facing two streets, and lots exceeding 45.7m (150 feet) frontage may carry two double faced signs.
- d) A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.

5.10 Real Estate Development Sign

A real estate development sign may be erected on the property on which development is proposed, provided;

- a) not more than one sign is erected on each lot;
- b) the sign shall not exceed 9 m² (96.7 sq.ft.) in area;

5.11 Historical Character

No sign or advertising device shall be installed, erected or displayed in such a fashion that it will obstruct or detract from or adversely affect the architectural features of a heritage building as determined by the Local Architectural Conservation Advisory Committee.

6. PROVISIONS FOR PORTABLE SIGNS AND MERCHANDISE DISPLAYS

- 6.1 No person shall erect or install a portable sign, on which is displayed advertising for any commercial enterprise located elsewhere, either inside or outside the Town of Smiths Falls, on any public or private property within a residential zone.
- 6.2 No person shall erect or install a portable sign or merchandise display in any zone unless located immediately in front of, adjacent to and parallel with the storefront, building or structure regularly owned or occupied by the applicant. In accordance with Section 4.1(g) exemptions may be permitted for special community events where the street has been closed by motion of Council.
- 6.3 No portable signs, merchandise displays shall be located on or over Town property, streets, sidewalks, highways or encroach thereon, except as permitted by the provisions of this section.
- 6.4 A fully completed application for this purpose shall be made to the Chief Building Official at least four (4) business days prior to the intended use and such application shall be in the form prescribed in Schedule "B" to this by-law.
- 6.5 When an application is approved, it shall be for a one (1) year period. An annual renewal of the permit is required and a new application and fee shall be submitted for approval.
- 6.6 The property or sign to be displayed and governed by this by-law shall be so displayed only during business hours and all property including signs, racks, tables, merchandise or other property used to display or contain merchandise shall not be left on any Town property other than during normal business hours.
- 6.7 All property and signs shall be removed by the owner during snow removal operations. Application for and acceptance of a permit from the Town shall be considered an acknowledgement by the owner that the Town shall not be held responsible for damage to any sign or display caused during the course of normal snow removal operations.
- 6.8 No portable sign or merchandise display shall be placed so as to reduce the width of unobstructed sidewalk available to pedestrians to less than 1.37m (4.5 feet) in width. Portable sign and display locations are to be noted on the application and shall be subject to the approval of the Chief Building Official.

6.9 Compliance

- 6.9.1 Wherever a portable sign, or merchandise display is in violation of this section of the by-law, the Chief Building Official shall notify the owner and tenant, if applicable, of such violation in writing, by causing a notice to be delivered personally or by first class prepaid mail service to such owner and tenant requiring them to remove such signs or displays within one (1) day from receipt of such notice. Notwithstanding, if notice is by mail, such time limitation shall be within four (4) days of the date of mailing.
- 6.9.2 Refusal to comply with the requirements of notice as outlined in section 6.9.1 will permit the Town to remove

the offending portable sign or merchandise display at the owner's expense and the provisions of Section 13 to this by-law shall apply with respect to the recovery of expenses by the municipality.

6.9.3 Display Standards

With respect to merchandise displays, the following criteria shall apply:

6.10.1 Racks, tables or other property used to display or contain merchandise shall not be greater than .92m (36 inches) in depth, nor extend beyond the frontage width of the business premises and shall be placed immediately in front of, adjacent to and parallel with the building frontage. The merchandise so displayed shall not extend more than .92m (36 inches) onto Town property. The merchandise display shall be a minimum of .92m (36 inches) in height, a maximum of 1.8 (6 feet) in height and shall not lie directly on the ground.

6.11 Portable Sign Standards

6.11.1 Portable signs which are to be displayed for more than 7 business days shall be built of rigid material.

6.11.2 All portable signs shall be maintained by the applicant in a good state of repair.

6.11.3 With respect to portable signs the following criteria shall apply:

- a) area shall not exceed 2.2 m² (24 sq.ft.) per side;
- b) width shall not exceed .92m (36 inches);
- c) height shall not exceed 2.44m (8 feet) nor extend less than .92m (3 feet) above the ground;
- d) shall not have any projections from the sides or bottom beyond the maximum parameters set out above nor shall any part of the sign be designed so as to create a hazard to pedestrians;
- e) shall have its edges rounded and sanded so as to minimize potential hazard to pedestrians; and
- f) shall be secured with rigid cross bracing.

6.11.4 Portable signs shall not be on display during high winds or other inclement weather conditions which might cause danger to persons or property.

6.12 Temporary Event Signs

6.12.1 Signs shall not exceed 39 square feet in area;

6.12.2 Signs will be neat and professional in appearance;

6.12.3 Signs shall be constructed in a similar fashion as a free standing sign, weighted to ensure it continues upright during windy or inclement weather;

6.12.4 Signs shall be affixed to municipal property provided they are secured temporarily and cause no damage to municipal property;

6.12.5 Signs may be located on public lands provided they do not interfere with pedestrian traffic and vehicular sight lines;

- 6.12.6 Signs may be located on private lands provided written consent by the property owner is granted;
- 6.12.7 Signs may be erected for a maximum of thirty (30) days;
- 6.12.8 A total maximum of six (6) Trailer, Banner Signs, or Portable Signs, or any combination thereof, may be erected on any property at any one time;
- 6.12.9 Locations shall be identified on a map in advance of placement;

7. TRAILER SIGNS

- 7.1 The maximum outer dimensions of the display portion of the trailer sign shall be 1.5m (5 feet) x 2.75m (9 feet).
- 7.2 No person shall erect or install a trailer sign on municipal property.
- 7.3 No person shall erect or install a trailer sign on which is displayed advertising for any commercial enterprise located elsewhere, either inside or outside the Town of Smiths Falls.
- 7.4 One trailer sign may be permitted for each building used for commercial or industrial purposes located in the Highway Commercial, Light Industrial and General Industrial zones on a permanent basis subject to the approval of the application and payment of the prescribed fee.
- 7.5 One trailer sign for each building used for commercial or industrial purposes located in all other zones may be erected or installed for specific periods only. The maximum display period for each permit shall be fourteen (14) days and a maximum of six (6) permits per annum shall be available to any person using this form of advertising. No person shall install a trailer sign at any time other than that provided on such permit.
- 7.6 Trailer signs shall be immediately removed from the site on expiration of the permit. Notice of non-compliance, removal and recovery of cost may be pursued by the Chief Building Official in a like manner as Section 6.9 and Section 13.
- 7.7 Trailer signs shall not be permitted as off-site signs.

8. OFF-SITE SIGNS

- 8.1 One off-site sign may be permitted for a commercial enterprise subject to the approval of the required application and submission of the prescribed fee.
- 8.2 The off-site sign shall be constructed in a similar fashion as a free standing sign, weighted to ensure it continues upright during windy or inclement weather.
- 8.3 The off-site sign face area shall not exceed 3.7 m² (40 sq.ft.) per side.

- 8.4 One off-site sign support structure may be used to display two (2) off-site signs, placed back to back as defined herein as a double faced sign.
- 8.5 No person shall erect or install an off-site sign in any zone other than a Highway Commercial, Light Industrial or General Industrial zone. Notwithstanding the zone designation no off-site sign shall be located less than 40 m from a residence.
- 8.6 Notwithstanding the zone designation, off-site signs shall be permitted on vacant lots only, such location and approval being subject to submission of written approval of the property owner to the Chief Building Official with the application.
- 8.7 Except as provided in 8.4, the minimum distance between off-site signs shall be 90 m.
- 8.8 Yard sale signs may be posted in any permitted location after 5 p.m. the day preceding the day of the sale.

9. COMMERCIAL ZONES

9.1 General Conditions

- 9.1.1 One fascia or one multiple faced projecting sign or one set of awnings as described below may be erected for each place of business in a commercial zone or for every 4.6m (15 feet) or fraction thereof, of continuous frontage facing on a public street or streets provided that such sign conforms to the conditions listed in sections 9.2 to 9.4 as applicable.
- 9.1.2 One ground or free standing sign may be erected for each place of business in a commercial zone in accordance with conditions listed in sections 9.5 or 9.6 as applicable. Portable signs and sandwich board signs are permitted in commercial zones in accordance with section 6.

9.2 Fascia Signs and Awning Signs

On fascia or awning sign may be permitted to be installed for a business facade having a frontage of 4.6m (15 feet) provided:

- a) The sign is attached to and parallel with the main wall of the building;
- b) the sign is a minimum of 1.8m (6 feet) above the finished sidewalk or grade;
- c) the sign is no longer than the horizontal measurement of the wall or building facade to which it is attached;
- d) the fascia sign does not project more than .46m (18 inches) from the main wall of the building;
- e) the sign does not carry advertising copy on its ends;
- f) if on a lane, the sign is a minimum of 4.3m (14 feet) measured vertically from the surface of the lane;
- g) in the case of a one storey building the sign shall not extend above the eave of the roof; and
- h) in the case of a multiple storey building the sign shall not extend above the bottom of the second storey window.

9.3 Awning Signs

One or more awning sign, to a maximum number matching the number of windows and doors on the main floor of the building, may be permitted for a business facade having frontage of 4.6m (15 feet) provided the criteria

established in section 9.2 (a-c) and (e-h) has been met. The maximum projection from the main wall of the building shall be .92m (36 inches).

9.4 Projecting Signs

One vertical projecting sign may be erected on a business frontage provided:

- a) the maximum projection of the sign from the face of the wall shall be no greater than 1.2m (4 feet);
- b) no part of the sign shall be closer than 3m (10 feet) from finished grade;
- c) the sign is located as close as possible to the horizontal centre of the building or storefront, except in the case of a building of storefront located on a corner lot, in which case a projecting sign may be located at the corner of the building or storefront in lieu of one sign on each frontage;
- d) there shall be no overhanging structures or wires from the roof of any building where a projecting sign is allowed;
- e) only one sign assembly shall be permitted where two or more businesses share the same entrance;
- f) in the case of a multiple storey building the sign shall not extend above the bottom of the second storey window; and
- g) projecting signs which encroach onto or over publicly owned lands shall also meet the following criteria:
 - i) no part of the sign shall encroach more than .92m (36 inches) including the bracket;
 - ii) maximum height of the sign itself shall be .59m (24 inches);
 - iii) materials used shall be limited to wood for the sign and wrought iron for the bracket or like, durable materials;
 - iv) projecting signs shall be designed as double faced, swing signs commonly known as “shingles”; and
 - v) no manner of illumination shall be used on projecting signs which encroach onto or over publicly owned lands.

9.5 Free Standing Signs

One free standing sign may be erected on a place of business having a frontage of 4.6m (15 feet) or more provided:

- a) The area of the sign shall not exceed 3.71 m² (40 sq.ft.) per side. Notwithstanding, the maximum area may be increased to 9.29 m² (100 sq.ft.) where the subject site is zoned Highway Commercial (C3) and has frontage on provincial Highway #15, County Road #29 or County Road#43.
- b) when the sign may obstruct the view of vehicle traffic, the bottom of the sign shall not be closer than 2.44m (8 feet) to finished grade;
- c) the distance between free standing signs shall not be less than 4.6m (15 feet); and
- d) no part of the sign encroaches onto or over publicly owned lands.

9.6 Ground Signs

One ground sign per frontage may be erected between the building line and lot line provided that;

- a) the maximum height is not more than 2.1m (7 feet);
- b) the maximum area is not more than 7.43m² (980 sq.ft.) per side; and
- c) no part of the sign encroaches onto or over publicly owned lands.

9.7 Multiple Use Buildings

Notwithstanding the above requirements, signs for buildings housing two or more uses shall be limited to one fascia sign per enterprise, meeting the above criteria and one free standing or ground sign for the whole building. Such free standing or ground sign shall display advertising for all enterprises housed in the building. The dimensions and location of such free standing or ground sign shall be approved on an individual basis by the Economic Development and Planning Committee if such development is not subject to Site Plan Control.

10. INDUSTRIAL AND INSTITUTIONAL ZONES

10.1 General Conditions

10.1.1 One fascia or one multiple faced projecting sign or one set of awnings as described below may be erected for each enterprise in industrial and institutional zones or for every 15.2m (50 feet) or fraction thereof, of continuous frontage facing on a public street or streets provided that such sign conforms to the conditions listed in sections 10.2 to 10.4 as applicable.

10.1.2 One ground or free standing sign may be erected for each enterprise in industrial and institutional zones in accordance with conditions listed in sections 10.5 or 10.6 as applicable. Portable signs and sandwich board signs are permitted in industrial and institutional zones in accordance with section 6.

10.2 Fascia Signs and Awning Signs

One fascia or awning sign may be erected for each length of business frontage of 15.2m (50 feet) or more provide:

- a) the sign shall be attached to and parallel with the main wall of the building;
- b) the sign shall be a minimum of 1.8m (6 feet) above the finished sidewalk or grade;
- c) the sign shall be no longer than the horizontal measurement of the wall, building facade or business frontage to which it is attached;
- d) the fascia sign shall not project more than .46m (18 inches) from the main wall of the building.
- e) the sign does not carry advertising copy on its ends;
- f) if on a lane, the sign is a minimum of 4.3m (14 feet) measured vertically from the surface of the lane;
- g) in the case of a one storey building the sign shall not extend above the eave of the roof.
- h) in the case of a multiple storey building the sign shall not extend above the bottom of the second storey window.

10.3 Awning Signs

One or more awning sign, to a maximum number matching the number of windows and doors on the main floor of the building, may be permitted for a business facade having frontage of 4.6 (15 feet) provided the criteria established in section 10.2 (a-c) and (e-h) has been met. The maximum projection from the main wall of the building shall be .92 (36 inches).

10.4 Projecting Signs

One vertical projecting sign may be erected on a place of industry or institution having a frontage of 15.2m (50 feet) or more provided;

- a) the maximum projection of the sign from the face of the wall shall not be greater than 1.2m (4 feet);
- b) no part of the sign shall be closer than 3m (10 feet) from finished grade;
- c) the sign is located as close as possible to the horizontal centre of the building or business frontage, except on a corner lot a projecting sign may be located at the corner of the building or business frontage in lieu of one sign on each frontage;
- d) there shall be no overhanging structures or wires from the roof of any building where a projecting sign is allowed; and
- e) projecting signs which encroach onto or over publicly owned lands shall also meet the following criteria:
 - i) no part of the sign shall encroach more than .92m (36 inches) including the bracket;
 - ii) maximum height of the sign itself shall be .59m (24 inches);
 - iii) materials used shall be limited to wood for the sign and wrought iron for the bracket or like, durable materials;
 - iv) projecting signs shall be designed as double faced, swing signs commonly known as “shingles”; and
 - v) no manner of illumination shall be used on projecting signs which encroach onto or over publicly owned lands.
- f) in the case of a multi storey building the sign shall not extend above the bottom of the second storey window.

10.5 Free Standing Signs

One free standing sign may be erected on a place of industry or institution having a frontage of 15.2m (50 feet) or more provided:

- a) The area of the sign shall not exceed 3.51 m² (40 sq.ft.) per side. Notwithstanding, the maximum area may be increased to 83.6 m² (100 sq.ft.) where the subject site has frontage on provincial Highway #15, County Road #29 or County Road #43.

- b) where the sign may obstruct the view of vehicle traffic, the bottom of the sign shall not be closer than 2.44m (8 feet) to finished grade;
- c) the distance between free standing sign shall not be less than 15.2m (50 feet) ; and
- d) no part of the sign encroaches on publicly owned lands.

10.6 Ground Signs

One ground sign per frontage may be erected between the building line and lot line provided that:

- a) the maximum height is not more than 2.1m (7 feet);
- b) the maximum area is not more than 7.43m² (80 sq.ft.) per side; and
- c) no part of the sign encroached onto or over publicly owned lands.

10.7 Multiple Use Buildings

Notwithstanding the above requirements, signs for buildings housing two or more uses shall be limited to one fascia sign per enterprise, meeting the above criteria, and one free standing or ground sign for the whole building. Such free standing or ground sign shall display advertising for all enterprises housed in the building. The dimensions and location of such free standing or ground sign shall be approved on an individual basis by the Economic Development and Planning Committee (now Committee of the Whole) if such development is not subject to Site Plan Control.

11. RESIDENTIAL ZONES

- 11.1 One decorative residential or identification sign, not exceeding the dimensions of a Home Occupation sign dictated in the current Zoning By-law, indicating the owner's name and street address or the location of an institution, charitable or fraternal establishment therein, is permitted.
- 11.2 Home business occupation or professional signs may be erected for identification purposes at the front entrance of a premises provided no sign is greater than the maximum dimension of a Home Occupation sign dictated in the current Zoning By-law.

12. REMOVAL OF SIGNS

- 12.1 Election signs shall be removed within one week following the election. All temporary signs shall be removed immediately upon completion of construction and all directional signs for public convenience shall be removed when their message is no longer applicable.
- 12.2 Any sign or appurtenance thereto which no longer advertises a bona fide business or service on the premises shall be removed within thirty days of termination of such business or service. After thirty days the Town may remove the offending sign at the owner's expense. During the thirty day period, all sign structures shall be covered with a rigid plastic or treated wood material, capable of withstanding the elements, fitted into the structure so as to cover all exposed parts. Such temporary covering shall be devoid of all commercial advertising, may be blank or may contain public service announcements.
- 12.3 Any sign advertising a yard sale must be removed by 7 p.m. the final day of the sale.

12.4 Signs in Violation

- 12.4.1 Whenever the Chief Building Official, after inspecting a sign, finds such sign to be in violation of the provisions of this by-law, the Chief Building Official shall notify the owner of the property and tenant, if applicable, in writing by first class prepaid mail or by causing a notice to be delivered personally to such owner and tenant requiring them or either of them to repair, alter or change, or remove such sign within fourteen (14) days from issuance of such notice. With respect to portable signs, merchandise displays, trailer signs, election signs, temporary construction and directional signs, the provisions of Sections 6.9 and 13 shall apply where such sign or displays are in violation of this by-law.
- 12.4.2 Where the repair, alteration, change or removal is a matter of extreme urgency, the Chief Building Official may give the notice verbally and may reduce the period within which such owner or tenant shall take action to a period which, in the Chief Building Official's opinion is adequate taking into account the circumstances at the time the notice was given.
- 12.4.3 Where removal is appropriate, such notice as provide in subsections 12.3.1 or 12.3.2 hereof, shall terminate the relevant sign permit.
- 12.4.4 Refusal to comply with subsections 12.3.1 or 12.3.2 will allow the Town to remove the offending sign at the owner's expense pursuant to section 326 of the Municipal Act, Chapter M.45 R.S.O. 1990.

13. RECOVERY OF EXPENSES

- 13.1 A copy of an invoice for any charges for removal of a sign together with a certificate by the Town Clerk stating that:
- a) the invoice has been sent to the person(s) liable to pay the same;
 - b) no payment or insufficient payment has been received for the invoice; and
 - c) payment of the invoice is overdue

shall be sufficient authority to enter the amount of the unpaid balance of the invoice on the Collector's Roll. The outstanding amount of such invoice shall then be collectable by the Tax Collector in a like manner as realty taxes as provided in Section 326 of the Municipal Act.

14. APPLICATION TO EXISTING SIGNS

- 14.1 Every lawful sign, affixed to a structure or post, existing in the Town of Smiths Falls on the day of the passing of this by-law shall be brought into conformity in the event of structural alteration, relocation or replacement. Maintenance and repair of the sign or advertising device or a change in message displayed shall not be deemed in itself to constitute and alteration. In the case of a portable or sandwich board signs, where a permanent structure is not applicable, conformity shall be immediate.
- 14.2 Any sign that has been illegally installed or installed without a permit as required by the provisions of any by-law in effect prior to the passage of this by-law and which does not conform the provisions of this by-law shall be removed.

15. ABANDONMENT

- 15.1 Neither the granting of a permit nor the approval of the plans and specifications nor inspections made by the Corporation or its representatives shall in any way relieve the owner or any other person from full responsibility for carrying out work or having the work carried out in complete accordance with this by-law or any other law applicable thereto.

- 15.2 An application for a permit for any work shall be deemed to be abandoned six months after the date of filing, unless such application has been diligently pursued or a permit has been issued.
- 15.3 Every permit shall expire and become null and void under the provisions of this by-law, if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of six months or the sign has been removed.
- 15.4 If a permit has expired pursuant to subsection 15.3 hereof, before such work can be commenced, the original permit shall be first renewed upon payment of the prescribed fee and upon the Chief Building Official being furnished with satisfactory proof that the plans and specifications conform with the requirements of this by-law at the time of the application for renewal.

16. CONFLICT

- 16.1 Notwithstanding the provisions of any other by-law to the contrary, in the event of a conflict between the provisions of this by-law and other by-laws, the provisions of this by-law shall prevail.

17. PENALTY

- 17.1 Any person contravening any of the provisions of this by-law is guilty of an offence and upon conviction shall be liable to a fine recoverable pursuant to the Provincial Offences Act. Pursuant to Part I of the Provincial Offences Act, set fines for contravention of various provisions may be established.
- 17.2 Each day or portion thereof that the offence continues may be considered a separate and distinct offence.
- 17.3 If the owner or person in control of a property fails to repair, alter or remove a sign or marquee or merchandise display, as the case may be, upon the order of the Chief Building Official, the Corporation of the Town of Smiths Falls in addition to all other remedies:
- a) shall have the right to repair, alter or remove the sign or marquee accordingly, and for this purpose with its servants and agents from time to time, to enter into and upon the property where the sign or marquee is situated; and
 - b) shall not be liable to compensate the owner, the person in control or any other person having an interest in the property by reason of anything done by or on behalf of the Corporation under the provision of this section; and
 - c) shall have the right to recover its expenses in carrying out any repair, alteration or removal contemplated by this section by action, or such expenses may be recovered in like manner as municipal taxes.

18. SEVERABILITY/EFFECTIVE DATE

- 18.1 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal the same shall not affect the validity of this by-law as a whole or in part thereof, except for that which was declared to be invalid.
- 18.2 That Schedules "A" and "B" hereto are made a part of this by-law as fully and to all intents and purposes as though recited in full herein.
- 18.3 By-law No. 5067-86 and 954 as amended are hereby repealed in their entirety.
- 18.4 The provisions of this by-law shall come into force and take effect upon the final passing thereof.

Read a first and second time this 21st day of February, 1994

Amended Section 6.6 by Resolution #94-03-079 this 21st day of March, 1994

Read a third time and passed, as amended, this 21st day of March, 1994.

ORIGINAL SIGNED BY:
DENNIS W. STAPLES, Mayor
KATHY COULTHART-DEWEY, Clerk

M/Bylaws and Agreements/Signs/Signs Consolidation

**SCHEDULE "A" TO BY-LAW NO. 6018-94, AS AMENDED
TOWN OF SMITHS FALLS SIGN BY-LAW**

FEES FOR SIGN PERMITS

The fee for a permit authorizing the erection, installation or relocation of any sign in the Town of Smiths Falls, other than those specifically exempted in the by-law, shall be as follows:

Each sign having a single face or multiple faces:
(fascia, projecting, ground, free standing, off-site
and permanent trailer signs)

\$15.00 plus \$5.38 per square meter (\$0.50 per
square foot) of sign face, subject to a minimum
fee of \$20.00

Real Estate Development Signs

\$2.69 per square meter (\$0.25 per square foot) of
sign face, subject to a minimum fee of \$25.00

Relocation/Structural Change of Existing Sign

\$10.00 plus \$2.69 per square meter (\$0.25 per square
foot) of sign face, subject to a minimum fee of \$15.00

Awnings

\$25.00 per awning

Portable Signs, Merchandise Displays and
temporary Trailer Signs

\$30.00 per year

or

\$3.00 per month or portion thereof

Portable Signs, Merchandise Displays and
Temporary Trailer Signs for Not for Profit Corporations/Agencies:

NO FEE, HOWEVER AN ANNUAL INSPECTIONS IS REQUIRED

Merchandise Displays / Decorative Display (flowers/flower pots) for business owners

NO FEE, HOWEVER AN ANNUAL INSPECTION IS REQUIRED

**SCHEDULE "B" TO BYLAW NO. 6018-94, AS AMENDED
TOWN OF SMITHS FALLS SIGN BY-LAW**

APPLICATION FOR SIGN PERMIT

As per attached.

**SET FINES FOR CONTRAVENTION
TOWN OF SMITHS FALLS
BY-LAW NO. 6018-94
TITLE: SIGN BY-LAW**

COLUMN 1		COLUMN 2	
ITEM	DESCRIPTION OF OFFENCE	PROVISION CREATING OR DEFINING OFFENCE	SET FINE (including costs)
1.	Failure to obtain sign permit for Fascia, Awning, Free Standing, Ground, Off-Site or like permanent sign	3.1.1	\$50.00
2.	Failure to obtain sign permit for Portable Sign, Merchandise Display, Trailer Sign or like temporary sign	3.1.1	\$20.00
3.	Failure to comply with terms of sign permit for Fascia, Awning, Free Standing, Ground, Off-Site Sign or like permanent sign	3.1.2	\$50.00
4.	Failure to comply with terms of sign permit for Portable Sign, Merchandise Display, Trailer Sign or like temporary sign	3.1.2	\$20.00
5.	Failure to obtain approval for banner	5.3.5	\$50.00
6.	Failure to obtain approval for poster on public/private property	5.4.2	\$50.00
7.	Failure to maintain sign in safe condition	5.7(a)	\$50.00
8.	Failure to maintain sign in neat/tidy condition	5.7(b)	\$10.00
9.	Display portable sign in residential zone	6.1	\$50.00
10.	Display portable sign other than in front of store	6.2	\$10.00
11.	Failure to remove portable sign after business hours	6.6	\$10.00
12.	Failure to remove portable sign during snow removal	6.7	\$10.00
13.	Failure to maintain 4.5 feet of unobstructed sidewalk	6.8	\$50.00
14.	Prohibited size/location of merchandise display	6.10.1	\$10.00
15.	Display trailer sign in excess of 14 days	7.5	\$20.00
16.	Oversized Home Occupation sign	11.2	\$10.00
17.	Failure to remove election or temporary sign	12.1	\$50.00
18.	Failure to remove sign after termination of business	12.2	\$50.00
19.	Failure to remove yard sale sign.	12.3	\$50.00

THE PENALTY PROVISIONS OF THE OFFENCES INDICATED ABOVE ARE IN SECTION 17 OF BY-LAW NO. 6018-94, AS AMENDED BY BY-LAWS NO. 7060-95, 7501-99, 7614-2001, 7851-2004, CERTIFIED TRUE COPIES OF WHICH HAVE BEEN FILED.



Schedule "B" to By-law No. 6018-94, as amended
Application for a Sign/Merchandise Display Permit
 Corporation of the Town of Smiths Falls
 P.O. Box 695, 77 Beckwith St. N., Smiths Falls, Ontario Phone: 1-613-283-4124, Fax 1-613-283-0558

Applicant: _____ Address: _____ Phone _____
 Business Owner _____ Address _____ Phone _____
 Property Owner _____ Address _____ Phone _____
 Designer: _____ Address _____ Phone _____

Type of Sign (Check all that apply):

Construction Material:

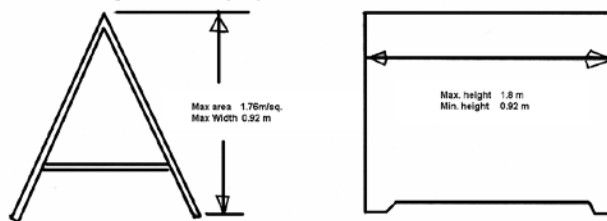
- Wood , Plastic , Steel , Other , Fascia , Projecting , Ground , Pylon ,
 Sandwich Board , Merchandise Display , Illuminated

Type of Illumination _____ Ontario Hydro Approved (supply copy) _____
 Location of Sign _____ Zone _____
 Size of Sign _____ Height of Sign Above Ground _____
 Width of Building Face _____ Height of Building Face _____
 Width of Property _____ Depth of Property _____
 Type of Existing Signs _____ Number of Existing Signs _____

Two copies of plans for the proposed signage complete with size and location indicated must be submitted with this application. All relevant information should be provided in order to assist the Chief Building Official in their decision. Failure to provide required information will result in a delay of the application.

This space may be used for sandwich board/merchandise display sign information:

Portable sign: Indicate proposed dimensions



Proposed area _____ sq/m, height _____ m, width _____ m

Proposed distances from face of curb to building _____ m

Proposed distance from near edge of sign to curb _____ m

NOTES:

Minimum unobstructed walkway shall be maintained at 1.37 metres.
 Sandwich board/merchandise signs shall have rigid cross bracing.

DECLARATION:

I, the undersigned _____, am the owner/authorized agent for the owner named in the above application and I certify the truth of all statements made herein.

I understand that the issuance of a permit shall not be deemed a waiver of the provisions of any by-law or other regulations, notwithstanding anything included in or omitted from the plans or other material filed in support of this application.

I acknowledge that in the event that a permit is issued, any departure from the plans, specifications, or locations proposed in the application is prohibited and such could result in the permit being revoked. I further acknowledge that in the event the permit is revoked for any cause of irregularity or nonconformity with the by-laws or regulations, there shall be no right of claim whatsoever against the municipal corporation or any official therefore and any such claim is expressly waived.

Smiths Falls, Ontario _____ day, of _____, 20____. Signature of owner/authorized agent _____
 (complete back of application)

Witness _____, Date _____ day of _____, 20____, Application reviewed on _____ day of _____, 20____

Zoning checked _____ day of _____, 20____, Approved _____ day of _____ 20____, By _____
 (Chief Building Official)

Conditions:

Hold Harmless Agreement

THE UNDERSIGNED hereby agree and save harmless the Corporation of the Town of Smiths Falls, its officers, employees and officials from all claims or cause of action against the Corporation of the Town of Smiths Falls because of injury or damage to property of others arising from the placement of a sign or other property of the undersigned and placed on, into or above property on premises of the Town of Smiths Falls.

Owner or Authorized Person:	(Witness:	(
_____	(_____	(
(Signature)	((Signature)	(
	((
Dated this ____ day of ____ 20 ____ (Date this ____ day of ____ 20 ____	
	((
Name/Title	(Name/Title	(
_____	(_____	(
(please print clearly)	((please print clearly)	(
Address: _____	(Address: _____	(
_____	(_____	(

If a Corporation, affix Corporation seal.

Insurance Certification

THE UNDERSIGNED hereby certifies that insurance coverage is in full force and effect for the above named with the (Insurance Company) _____, under policy number _____ which liability limits not less than \$ 1,000,000.00 and covering all business premises and operations. Further, that the Town will be given fifteen (15) days notice of cancellation or non-renewal of this policy of insurance and further, that this policy acknowledges the above agreement.

Signed by: _____ Dated this ____ day of _____, 20 ____
 (authorized insurance representative)

 (name, please print clearly)

Personal information contained on this form is collected under the authority of the Municipal Act and the Corporation's By-law Number 6018-94 and by-law number 7060-94 and will be used to determine eligibility for the application licence. Questions about this collection should be directed to the:

Clerk, Town of Smiths Falls
77 Beckwith Street, North
Smiths Falls, Ont. K7A 2B8