

The Corporation of the City of Kenora

By-Law Number 115 - 2010

A By-Law To Regulate the Erection and Maintenance of Signs and Other Advertising Devices in the City of Kenora

Whereas Section 11(3) of the Municipal Act, S.O., 2001, c 5, as amended authorizes the Council of a Municipality to pass by-laws for prohibiting or regulating signs and other advertising devices;

And Whereas, it is the desire of the Council of the Corporation of the City of Kenora to regulate signs and advertising devices in the City of Kenora with a view to ensuring the safety of the public in respect to the erection and maintenance of such signs:

Now Therefore, the Council of the Corporation of the City of Kenora enacts the following:

Section 1 – Title and Scope:-

1.1 **Short Title**

1.1.1 This By-law may be cited as the “Sign By-law”.

1.2 **Scope**

1.2.1 The provisions of this By-law shall regulate the erection, location, construction, alteration, repair, use and maintenance of all signs and other advertising devices within the limits of the Corporation of the City of Kenora save and except any other sign prescribed by statute, and shall regulate the location, number, construction, alteration and maintenance of signs.

1.2.2 All tables within the body of this By-law and schedules attached to this By-law shall form part of this By-law.

1.2.3 This By-law does not apply to a sign that was lawfully erected, located or displayed on the day the By-law comes into force and takes effect, if the sign is not substantially altered, and the maintenance and repair of the sign or a change in the message or contents displayed is deemed not in itself to constitute a substantial alteration.

Section 2 – Intent:-

2.1 The intent of this By-law is to regulate signs in the City by permitting signs that:

- (a) are appropriate in size, number and location to the type of activity or use to which they pertain
- (b) provide reasonable and appropriate means for the public to locate and identify facilities, business, services and events without difficulty or confusion;
- (c) are compatible with surrounding activities or uses
- (d) protect and enhance the aesthetic qualities and visual character of the City
- (e) are consistent with the City’s planning, urban design and heritage objectives
- (f) do not create a distraction, or safety hazard, for pedestrians and motorists
- (g) minimize adverse impacts on nearby property; and
- (h) balance the public’s right to expression with the purpose and intent of this By-law

Section 3 – Definitions:-

3.1 General Definitions

The following general definitions shall apply for the purpose of this By-law unless the context otherwise provides;

Abandoned sign – A sign located, erected or displayed on property or premises which becomes vacant or unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event or purpose which no longer applies

Accessory Sign-A sign in which the message relates to the lot upon which the sign is located.

Address Sign – A sign on which the copy displays the municipal address, or unit number, or combination thereof, of a property or premises on which the sign is located, erected or displayed.

Animated Sign – A sign depicting continuous action, motion, light or colour changes through electronic means or an instrument that projects visual images onto a surface or such technology with the intent and effect of depicting action, motion, light or colour changes or projecting images that shall not include a reader board.

Area of Sign - The number of square metres of the surface of the sign, including the border and frame and where there is no border or frame, shall include all the extremities of the sign. Fifty percent (50%) of the sum of all the area of the faces of a multiple faced sign shall be used in determining the area of the sign. Where letters, figures or symbols are affixed to a wall separately, to denote the name of the business or service, then the area of the sign shall be determined to be the area contained within a rectangle surrounding all of the letters, figures or symbols.

Awning – A retractable or non-retractable structure that is attached to, and projects from, the exterior wall of a premise and is not supported from the ground by poles or structures.

Awning Sign - A non-illuminated sign painted on or affixed flat to the surface of an awning, which does not extend vertically or horizontally beyond the limits of such awning, is used solely for the purpose of identification of the business or use and contains no other commercial message.

Banner Sign - Any temporary sign made from non-rigid material such as cloth, plastic or similar material and which is secured or mounted by its ends on a secondary support.

Building Line - The required building line setback from any street for a structure or any required front yard or required side yard abutting a street, all as set out in the applicable City Zoning By-laws.

By-law Enforcement Officer – Means a person appointed by the City of Kenora to enforce the by-laws of the City of Kenora under s. 15 of the Police Services Act, R.S.O. 1990,c. P.15, as amended.

Canopy – A non-retractable, roof-like structure that is supported from the ground by poles or structures and may be attached to the exterior wall of a premise.

Canopy Sign – A sign located, erected or displayed on a canopy and approximately parallel to the plane of such canopy and shall not include an awning sign.

Clearance - The vertical distance between the lowest limit of a sign and the finished grade immediately below the sign.

Chief Building Official - The Chief Building Official so appointed by the Council of the City of Kenora pursuant to the Ontario Building Code Act 1990, as amended, or any designated representative.

City Clerk – The Clerk or the Deputy Clerk of the Corporation as designated by by-law, or their designate.

Commissioner – The supervisor of the Building Department, or Designate of the Corporation.

Community Special Events Sign – A sign located, erected, or displayed temporarily on public property to advertise or promote a non-profit community sponsored special event designed to promote involvement in community celebrations and other activities primarily by the local population of the City, or to advertise or promote a non-profit or charitable event by a non-profit organization or charity.

Comprehensive design/plan – Drawings and specifications for all signs to be located, erected or displayed on a property or premises that demonstrate the general conceptual arrangement of said sign(s) including details relating to number, location, size and design features of signs in relation to the overall urban design features of a property or premises.

Construction sign – A sign that identifies the property owner, developer contractor or a combination thereof involved in the construction or demolition of a premises or property.

Corporation - The Corporation of the City of Kenora.

Copy – The graphic content of a sign in either permanent or non-permanent letter, pictorial, symbolic, numeric form, insignias, logos, pictures or other means.

Council - The Council of the Corporation of the City of Kenora.

Development sign – A sign which copy shall display:

- (a) the name or registered trademark including logo, crest or seal of a builder or developer of a development as defined and approved pursuant to Section 41 of the *Planning Act*, resulting from a Plan of Subdivision approved pursuant to section 51 of the *Planning Act*, or a combination thereof;
- (b) directions to a development as defined and approved pursuant to section 41 of the *Planning Act*, resulting from a Plan of Subdivision approved pursuant to section 51 of the *Planning Act*;
- (c) information pertaining to the business occupant of a premise in an approved development pursuant to section 41 of the *Planning Act*;
- (d) a combination thereof of (a), (b), and (c); and
- (e) Development shall mean such a development described in (a), (b) and (c).

Directional signage – A sign which gives direction or instructions for the control of vehicular or pedestrian traffic on a property or premises and which copy displays a notation of an arrow.

Display Surface - The surface face available by the structure either for direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.

Double Faced Sign - 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.

Driveway Visibility Triangle - A triangular area formed within a lot by the intersection of a driveway line and a lot line abutting a street or the projections thereof and a straight line connecting them 4.57 metres from their point of intersection.

Encroaching Sign - A sign which hangs over or encroaches upon any street or municipal highway and includes any device used as support for such sign.

Entrance Feature Sign – Sign located, erected or displayed on property or premises at the entrance of a development in a residential, commercial, industrial or institutional zone for the purpose of identifying a development.

Erect - Anything done in the installation, placement, maintenance, repair, or alteration of any sign.

Flag Sign – Sign made of cloth or lightweight material attachable by one edge to a supporting structure and shall not include a pennant sign.

Flashing Sign - A luminous 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 such signs indicating time, temperature or an electronic message centre.

Frontage - The width of a lot measured along the Street Line of a lot. Where a lot has more than one Street Line, each Street Line shall be considered separately for the purposes of determining frontage.

Grade - The elevation of the ground immediately below the sign.

Ground Sign - A sign directly supported by one or more uprights, poles or braces, or located on a structural base placed in or upon the ground and does not include a flag sign, an inflatable sign, a mobile sign or portable sign.

Harbourtown Centre – That area of the downtown core defined in the Official Plan and/or the Community Improvement Plan adopted by Council in October 2007.

Harbourtown Centre BIZ – Also known as the Business Improvement Area, as established under the *Municipal Act*, specifically in the Harbourtown Centre Area.

Height of Sign - The vertical distance measured from the proposed or finished grade immediately below the sign to the highest extremity of the sign including the border or frame.

Heritage property – Property and/or premises that is designated to be of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*.

Home Occupation – A home based business operated within a dwelling unit, in accordance with the Zoning By-law.

Illuminating Device - Any device employing artificial lighting which is intended to draw attention to any object or place. This shall include artificial lighting devices used to illuminate parking areas and lots upon which goods are displayed whether for sale or for display purposes only.

Illuminated Sign - Any sign illuminated by incandescent lighting, fluorescent lighting or the like.

Inflatable device - An instrument filled with air or gas and tethered to the ground, a vehicle, any structure or any premises and shall include any balloon with commercial advertising that is tethered to the ground.

Kiosk – A structure, open on all sides, upon which advertisements are posted.

Letters and Decorations - The letters, illustrations, symbols, figures, insignia and other devices employed to express and illustrate the message of the sign.

Lot - Any parcel of land whether such parcel is described in a registered deed or shown as a lot or block in a registered plan of subdivision on which a sign is located or intended to be located.

Mobile sign – A sign designed to be capable of being readily removed from one location to another and is usually built on a trailer or other solid platform and may include wheels.

Multi-storey building – A building with three or more storey's.

Multiple Face Sign - A sign having two or more faces which are not parallel to each other.

Municipal Act, 2001 – The *Municipal Act, 2001 S. 2001, c.25*

Mural sign – Any type of display or artistic endeavour that is applied as paint or film or a sculpture to any external wall or other part of a premises or structure but shall not include any stained glass of a premise.

Fingerboard sign – A sign erected, located or displayed on public property for the purpose of providing direction to any corporation owned community facilities, private recreational facilities, and place of worship, private property, premises, or areas designated under the *Ontario Heritage Act*, business improvement areas or business parks.

Owner - Includes:

- (a) The owner of the sign.
- (b) The owner or the real property on which the sign is located.
- (c) The person for the time being, managing or receiving the rent for: (i) the sign or (ii) the real property on which the sign is located.

Pennant sign – A sign made of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind, but shall not include a banner sign or flag sign.

Permit – A written permission to locate, erect or display a sign or signs, issued by the City of Kenora.

Person – Any individual, association, proprietorship, partnership, syndicate, company, firm, business, authorized agent, trustee and their heirs, executors or other legal representatives or any combination thereof.

Planning Act – The *Planning Act, R.S.O. 1990, c. P. 13*.

Portable Sign - A free-standing sign located, erected or displayed on but not permanently anchored in the ground and includes, but is not limited to, signs commonly referred to as "A" frame, "T" frame, sandwich board, but shall not include inflatable signs or mobile signs.

Poster signs – A printed notice conveying information that is intended to be displayed for a temporary period of time.

Premises – Any building, multiple buildings or units within a building located on a property.

Private property – Property owned by or under the control of a property owner, save and except public property.

Projecting Sign - A Sign attached to and projecting from a premises wall or attached to and hanging from a soffit.

Property – A lot or a parcel of land, the whole of which can be conveyed pursuant to the *Planning Act*.

Property Owner – Registered owner or owners of the property as shown in the records of the Land Titles Offices, or where the lands are included in a description registered under the *Condominium Act*, the board of directors of the condominium corporation.

Public information sign –

(a) A sign erected by or under the direction of a government agency and shall include any sign on which the copy displays the name or registered trademark including logo, crest or seal of a community organization and includes, but is not limited to, the Rotary Club, the Lions Club etc.

(b) A sign designating public hospitals, schools operated by a public or separate school board, a public library, a public museum, a public community centre, public arena, other public government use, or public projects; or

(c) A sign required by a public authority pursuant to an application made pursuant to the *Planning Act*.

Public property – Property owned by or under the control of the City of Kenora or any of its agencies, boards or commissions, including streets and right-of-ways, and including structures thereon owned and/or controlled by an entity which provides a municipal, regional or public utility service, such as public utility poles, streetlights, traffic control lights, bus shelters and waste management containers.

Read-o-gram – A part of a sign composed of changeable letters that convey a message which may be changed or rearranged mechanically, or as part of an electric message display. It shall not include a mobile sign.

Road Allowance - That portion of land allowed for streets by the Crown Surveyors, or any streets established by any statute, by-law, plan or any roads on which public money has been spent.

Roof – When used in reference to:

(a) Flat roof means:

(i) A roof having a slope of less than one (1) unit of rise for every ten (10) units of run. Where more than twenty-five percent (25%) of the roof area of a building is flat as defined in the preceding sentence, the entire roof shall be deemed to be a flat roof,

(ii) A roof which is not pitched and the surface of which is parallel to the ground;

(iii) A roof which has a stepped architectural feature; or

(iv) A combination thereof.

(b) Gable roof means a ridged roof forming a gable at both ends of the premises.

(c) Gambrel roof means a gable roof with two slopes on each side, the lower steeper than the upper.

(d) Hip roof means a roof with sloping ends and sides.

(e) Mansard roof means a roof with two slopes on each of four sides, the lower steeper than the upper;

(f) Shed roof means a roof with one slope.

Roof Sign - A sign which is erected on or supported by partly or entirely, the roof of a building.

Sales pavilion – A temporary structure erected and used as an on-site office for sale of property within a development approved under the *Planning Act*.

Sales trailer – A cart or wagon etc. designed to be drawn by a truck or automobile and used as an on-site office for sale of property within a development approved under the *Planning Act*.

Sight Triangle - A triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 10 or 9? metres from their point of intersection. A Corner Lot is a lot situate at the intersection of and abutting, two streets or parts of the same street the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which contain an angle of not more than 135 degrees).

Sign - Any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line, trademark, reading matter, or illuminating device constructed, attached, erected, fastened or manufactured in any manner whatsoever so that the same is used or is intended to be used for the attraction of the public in any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and displayed in any manner whatsoever, and includes the structure of the said device.

Sign Committee – The Committee of the Council of the Corporation of the City of Kenora which has been delegated the responsibility of the Sign Committee.

Sign owner – Includes

- (a) property owner(s),
- (b) a person who is the occupant of the property or premises,
- (c) in the case of a mobile sign, the owner or lessor of the sign,
- (d) the person or persons having the major benefit of the sign; and
- (e) any person acting or purporting to act on behalf of the persons listed in (a), (b), (c) or (d) with respect to the sign.

Street - The road allowance or the right-of-way of a public road or highway, which affords the principal means of access to adjacent lots.

Street Line - The lot line dividing the lot from the street.

Structure - The supports, uprights, bracing, and any framework of a sign.

Traffic Sign - A sign, marking, or device lawfully placed for the purpose of regulating or prohibiting traffic.

Vacant Land – Land that is not actively utilized, but is zoned to be developed under the Corporation's zoning by-law, but shall not include a parking lot.

Variance – Permission to locate, erect or display a sign in a manner that is not in strict compliance with the requirements of this By-law.

Wall Sign – A sign attached to, marked or inscribed on, located, erected or placed against a wall of a premises and having the exposed face thereof on a plane approximately parallel to the plane of such wall and may include display boxes, but shall not include an awning sign, banner sign, canopy sign, mural sign or a poster sign. A wall sign shall not be supported by the roof, the ground or a combination thereof.

Window Sign – 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 a premises.

Zone - Those specific land use areas which relate to the Zoning By-laws for the City.

Zoning By-laws - The Zoning By-laws of The Corporation of the City of Kenora.

Section 4 – Prohibited Signs:-

4.1 Any person shall not locate, erect, display or cause to be located, erected or displayed a sign, save and except signs expressly permitted in Part 5 of this By-law, and located, erected or displayed in strict compliance with the requirements of Part 5, which:

- (a) the person has not been issued a permit, if a permit is required by this By-law;
- (b) is not in accordance with the approved plans and drawings submitted as part of the permit application;
- (c) Is not in conformity with the requirements of this By-law, as amended, or with the conditions of any variance granted pursuant to this By-law;
- (d) The Commissioner has directed be removed.
- (e) Is on public property, unless expressly permitted in this By-law and in accordance with the conditions of such permission as set out in this By-law;
- (f) Obstructs the view of any pedestrian or driver of a motor vehicle, obstructs the visibility of any traffic control sign or device, or interferes with vehicular traffic in a manner that could endanger any person;
- (g) Is not maintained in a proper state of repair, becomes unsightly, becomes structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;
- (h) Does not relate to any use or uses of the premises located on the same property;
- (i) The text of the sign contains less than 50% of the English or French language;
- (j) Is within the sight triangle;
- (k) Is located, erected or displayed on a motor vehicle or trailer which is parked, or located, erected or displayed for the primary purpose of displaying said sign;
- (l) Obstructs a parking space;
- (m) Obstructs or impedes any fire escape, fire exit, functional door, false door, functional window, false window, scuttle, skylight, flue or air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of premises including fire department Siamese connections and fire hydrants;
- (n) Is illuminated, which faces and locates, erects or displays within 30 metres of a residential zone or a property being used for residential purposes, unless separated by a street;
- (o) Fails to remove, alter, or repair a sign where so directed by the Commissioner, or his/her designate.
- (p) Is an abandoned sign, an animated sign, a flashing sign, an inflatable sign, and a pennant sign which copy displays commercial advertising.
- (q) A sign that is affixed to any municipal utility pole in the Harbourn Centre;
- (r) A roof sign;
- (s) A sign that is affixed to a tree;
- (t) A sign that is affixed to any official sign regulating traffic under the *Highway Traffic Act*.
- (u) A sign that contravenes the *Ontario Building Code*.

Section 5 – Signs Not Requiring Permit:-

5.1 General

5.1.1 A permit is not required to locate, erect or display the signs referred to in Table A – Signs Not Requiring a Permit, and in sections 5.2 and 5.7 below, provided that such signs are:

- (a) Located, erected or displayed with the consent of the property owner;
- (b) Not located, erected or displayed on a Heritage Property;
- (c) Located, erected or displayed on premises or property in the zones set out in the second column in Table A, with strict conformity with the provisions in the last column of Table A; and

(d) In compliance with any other applicable laws including, but not limited to, the *Building Code Act*, any provincial and/or federal laws and all of the Corporation's By-laws.

TABLE A – SIGNS NOT REQUIRING A PERMIT * Unless encroaching onto municipal lands		
Sign Type -/Description	Applicable Zones	Provisions
Address signs	All zones	Pursuant to section 5.2
Commemorative sign, plaque or cornerstone of non-advertising nature	All zones	Maximum sign area of 0.30m ² Shall be located, erected or displayed on a premises wall. Non-illuminated or externally illuminated
Contractor advertising sign advertising the contractor undertaking landscaping, repairs/renovations or maintenance of a property of premises	All zones	Shall be removed from the property within two (2) days after the project is complete
Development sign	All zones	One (1) development sign per street line of a property with an approved development - Non-illuminated or externally illuminated
		One (1) additional development sign shall be permitted where a minimum separation distance of 300 m is maintained between each permitted development sign located, erected, displayed along any one (1) street line of a property with an approved development - Non-illuminated or externally illuminated
		Two (2) additional off-site development signs shall be permitted on a property not related to a property for development but no more than three (3) development signs may be located, erected or displayed on said property at any one time -

Directional sign	All zones	Maximum eight (8) per property Maximum sign area of 0.50 Non-illuminated or externally illuminated m ² Maximum height of 1.2 m for directional sign in the form of a ground sign. All other sign types shall be located on the first storey of a premise only. Business or organization registered trademark, including logo, crest or seal shall not exceed 50% of the sign area
Directory sign	All zones	Pursuant to section 5.6
Flag sign of public education, religious, charitable or fraternal organizations	All zones	Maximum three (3) per premises Maximum height of 6 m including supporting structure Shall not include commercial advertising Maximum sign area of 1.0 m ² Non-illuminated or externally illuminated
Flag sign or emblems of patriotic and civic nature	All zones	Maximum height of 6.0 m including supportive structure Non-illuminated or externally illuminated
Incidental sign denoting specific sections of premises and includes but is not limited to a sign denoting the hours of operation or an open sign or a combination thereof	All zones	Non-illuminated, externally illuminated or internally illuminated
Interior sign not visible or intended to be seen off the premises on which the sign is located, erected or displayed	All zones	
"No trespassing" sign	All zones	Maximum sign area of 0.2m ² Non-illuminated only
Pennant sign which copy shall not contain commercial advertising located, erected or displayed by the Corporation or any of its agencies, boards or commissions, or Harbourtown BIZ	All zones	Non-illuminated only

Public information signs	All zones	Shall only be in the form of a wall sign, ground sign or projecting sign and shall be pursuant to the provisions in Table D: Provisions for signs in Industrial or Institutional Zones
Poster signs	All zones	Pursuant to section 5.6
Real estate sign located, erected or displayed for notification that a property is available for or offered for sale, rent or lease	All zones	Maximum sign area of 1.2m ² in residential zone. For all other zones maximum sign area of 3.50m ²
Sign identifying a home occupation on a private property or premises	Residential zone	Maximum one (1) per premises which may take the form of a ground sign, a wall sign a window sign or a combination thereof Maximum sign area of 0.20m ² for a ground sign or wall sign Maximum height of 1.5 m for a ground sign Ground signs permitted only in RU, RR or RR-BSL zones Window sign shall be non-illuminated only Ground sign or wall sign shall be non-illuminated or externally illuminated
Window sign	All zones except Residential	Maximum sign are of 0.15m ² per sign and in no case shall the aggregate sign area exceed 25% of a window, window section or window pane Non-illuminated or internally illuminated

5.2. Address signs – Multiple residential properties in residential zone – property in commercial, industrial, institutional zone

5.2.1 An address sign for a multiple residential property in a residential zone or a property in a commercial, industrial or institutional zone shall:

- (a) be marked or impressed on durable material;
- (b) be of a contrasting colour to the background;
- (c) include numerals of a minimum vertical dimension of 0.15 metres, and in the case of an address sign within a ground sign, have a maximum vertical dimension of 0.60 metres; and
- (d) Shall conform to the requirements of subsection 5.2.2

5.2.2 A minimum of one (1) address sign shall be located, erected or displayed in the form of a wall sign:

- (a) per main entrance for multiple residential property; and
- (b) per premises wall that faces a street for all other property.

5.3 Community Special Events Signs

5.3.1 A community special events sign, in the form of all other signs, except banner signs, are subject to the regulations of individual zones.

5.3.2 A community special events sign, in the form of a banner sign, may only be located, erected or displayed without first being granted a variance to this By-law;

5.3.3 A maximum of two (2) community special events signs in the form of banner signs may be placed so as to hang over public property provided that:

(a) if the banner sign(s) is to be fastened to structures that are located on (1) private property or (2) public property but that are not owned and/or controlled by the Corporation:

(i) the Sign Owner provides the Corporation with evidence of written permission from the property owner(s) to fasten the banner sign to those structures prior to locating erecting or displaying the Community Special Events sign(s); and

(ii) the Sign Owner abides by any specific fastening conditions stipulated by the property owner of the structures; and

(b) the lowest extremity of the Community Special Events Sign shall be a minimum of 6 metres above average grade if it hangs over a street.

5.4 Development Signs

5.4.1 A development sign shall only be in the form of a ground sign, except as otherwise expressly set out in this Part 5.

5.4.2 A development sign shall only be located, erected or displayed on a property where approvals pursuant to the *Planning Act* have been granted.

5.4.3 The Sign Owner shall remove any Development sign(s)

(a) for a development related to a site plan approved pursuant to the *Planning Act*, within 28 days after the Certificate of Occupancy has been issued; and

(b) for a development related to a registered plan of subdivision or condominium description, after building permits have been issued on 75% of the lots/units within the registered plan of subdivision or condominium description.

5.5 Directory signs – Multiple residential properties – property in commercial, industrial, institutional zone

5.5.1 A directory sign for a multiple residential property or any property in the commercial, industrial or institutional zone shall:

(a) be marked or impressed on durable material;

(b) be of a contrasting colour to the background;

(c) have a maximum sign area of 0.50 square metres;

(d) if it is in a form other than a ground sign, shall be located on the first storey of a premise only;

(e) if it is in the form of a ground sign, have a maximum height of 1.20 metres;

(f) be non-illuminated or externally illuminated.

5.5.2 A maximum of one (1) directory sign may be located, erected or displayed per driveway access for property in a commercial, industrial or institutional zone.

5.5.3 A minimum of one (1) directory sign shall be located, erected or displayed on a multiple residential property in a residential zone.

5.6 Poster signs

5.6.1 A maximum one (1) poster sign per sign owner providing the same information or advertising the same company, organization, service, product, message or event may be located, erected or displayed;

5.6.2 Notwithstanding Subsection 5.6.1, poster signs may be erected upon kiosk structures within the Harbourn Centre and provided for the express purpose of erecting poster signs provided that the poster sign;

(a) prominently displays the date that the poster sign is located, erected or displayed on the lower right hand corner;

(b) located, erected or displayed for a maximum of:

(i) fourteen (14) days from the date referred to in (a); or

(ii) forty-eight (48) hours before, or after the occurrence of the event advertised on the poster sign.

Section 6 – General Conditions for Signs Requiring A Permit:-

6.1 General permit provisions

- 6.1.1 No person shall locate, erect or display a sign referred to in this Part 6 without first obtaining a permit from the Corporation.
- 6.1.2 No person shall locate, erect or display an encroaching sign referred to in this By-law without first providing the City of Kenora with a certificate of insurance naming the City of Kenora.

6.2 Heritage properties or premises

- 6.2.1 The Corporation may issue a permit to locate, erect or display a sign on a heritage property upon receipt of an application pursuant to this by-law, including any sign that could otherwise be located, erected or displayed without a permit pursuant to section 6.0 through 9.0 of this by-law.
- 6.2.2 Notwithstanding any provision in this part 6.0 or any other part of this by-law to the contrary, any sign to be located, erected or displayed on a heritage property shall not include a Read-o-gram.

6.3 Awning sign or canopy sign

- 6.3.1 A canopy sign or awning sign shall not extend beyond the extremity of the canopy or awning on which it is located, erected or displayed.
- 6.3.2 Any awning sign shall only be located, erected or displayed on the first storey of a multi-storey building.

6.4 Banner signs

- 6.4.1 A maximum of one (1) banner sign may be located, erected or displayed per premises wall for a maximum of 90 consecutive days, provided that the Corporation is in receipt of a permit application for a permanent sign that is intended to replace the banner sign and no such permanent sign is located, erected or displayed on the premises concurrent with the banner sign
- 6.4.2 A banner sign shall not project beyond the extremity of the wall on which it is located, erected or displayed
- 6.4.3 The maximum sign area of a banner sign shall be the same as the maximum sign area of a wall sign as set out in either Table C – Provisions for signs in a Commercial Zone, when the banner sign is to be located, erected or displayed in a commercial zone, or in Table D – Provisions for Signs in Industrial or Institutional zone when the banner sign is to be located erected or displayed in an industrial or institutional zone.
- 6.4.4 A banner sign shall be located, erected or displayed on the same wall used to calculate the maximum sign area of the banner sign.
- 6.4.5 On a multi-storey building, a banner sign shall only be permitted on the first storey.
- 6.4.6 A banner sign shall be non-illuminated.

6.5 Entrance feature signs

- 6.5.1 An entrance feature sign shall not be located, erected or displayed within:
 - (a) 1.50 metres of any lot line;
 - (b) 1.50 metres of any street line;
 - (c) 1.5 metres of any private driveway; and
 - (d) 1.5 metres of any premises.
- 6.5.2 An entrance feature sign shall be:
 - (a) Externally illuminated or non-illuminated;
 - (b) Constructed of weatherproof material; and
 - (c) permitted for a development in a residential, commercial, industrial or institutional zone pursuant to the following:
 - (i) For a subdivision development, a maximum of one (1) entrance feature sign shall be located, erected or displayed on property at each corner of an intersection of those streets that are designated in the Official Plan of the Corporation as arterial roads, collector and local roads and are shown on

Schedule "B", or

(ii) For a condominium development, a maximum of one (1) entrance feature sign shall be located at the private driveway of the property at an arterial, collector road or local road.

6.5.3 The maximum sign area of an entrance feature sign pursuant to subsection 6.5.2(c)(i) shall not exceed 3.00 square metres.

6.5.4 An entrance feature sign pursuant to subsection 6.4.2(c)(ii) shall be in the form of either a ground sign or a wall sign provided for in Table B – Provisions for Signs in Residential Zones.

6.6 Ground signs

6.6.1 For the purposes of calculating sign area of a ground sign, it shall not include the sign area of the municipal address.

6.6.2 For the purposes of calculating the height of a ground sign, it shall include the sign area of the municipal address;

6.6.3 A ground sign having a height of 3.00 metres or greater shall not contain any copy within 1.00 metre above the average grade except for the municipal address of the premises, property or a combination thereof.

6.6.4 A ground sign that abuts a street may allocate a maximum of 25% sign area to a read-o-gram.

6.6.5 A read-o-gram located, erected or displayed on a ground sign pursuant to subsection 6.5.4 shall not have a message displayed for less than three (3) seconds during which there shall be no movement or change in colour or intensity of illumination and the message shall not scroll horizontally or vertically.

6.6.6 A ground sign shall not be located, erected or displayed within:

(a) 15.00 metres of a traffic control device;

(b) 1.5 metres of any street line, private driveway or premises;

(c) 1.5 metres or a distance equal to 75% of the height of the ground sign, whichever is greater, from any lot line(s).

6.6.7 A ground sign shall be located, erected or displayed on the same street line used to calculate the maximum sign area of any said ground sign pursuant to the application sections of Part 5 to Part 9.0 of this By-law.

6.7 Mobile signs

6.7.1 A mobile sign shall have a maximum of two (2) faces;

6.7.2 The copy of the mobile sign shall not exceed three (3) colours within the copy and sign area shall not exceed one (1) colour;

6.7.3 A mobile sign shall not be located, erected or displayed on vacant lands.

6.7.4 A permit for a mobile sign shall be valid for a maximum period of thirty (30) consecutive days from the date the permit is issued.

6.7.5 Where one (1) permit for a mobile sign has been issued for a premises, no subsequent permit for the same premises shall be issued until at least 30 (thirty) days of elapsed from the date of expiry of the previous permit.

6.7.6 A mobile sign shall not be located, erected or displayed within:

(a) 15.0 metres of an intersection or traffic signalization;

(b) 1.5 metres of a private driveway;

(c) 3.0 metres of any other lot line; and

(d) 15.0 metres of a property used for residential purposes.

6.7.7 A mobile sign shall only advertise for the premises to which the permit was issued, save and except a community special event sign may be permitted.

6.7.8 A mobile sign shall not be located, erected or displayed on the same premises or property on which a portable sign has already been located, erected or displayed unless and until such portable sign has been removed.

6.7.9 A mobile sign shall not include flashing lights.

6.8 Mural Signs

6.8.1 A mural sign shall be subject to Council approval.

6.9 Fingerboard signs

6.9.1 The maximum sign area of any Fingerboard sign shall be 1.0 square metres.

6.9.2 Where an off-site direction sign is in the form of a ground sign it shall:

- (a) be a minimum of 0.5 metres from any curb or sidewalk, or where there is no curb or sidewalk, a minimum of 0.5 metres from the edge of the shoulder of a street where such exists; and
- (b) have a maximum height of 2.5 metres.

6.9.3 Where an off-site direction sign is located, erected or displayed on a utility pole located on public property, it shall;

- (a) be mechanically fastened to the utility; and
- (b) not be located, erected or displayed on a utility pole that supports a traffic control device(s) including any traffic control sign.

6.10 Portable signs

6.10.1 A portable sign shall:

- (a) have a maximum of two (2) faces;
- (b) not be permanently affixed to the ground, any structure, tree or fence;
- (c) only advertise for the premises for which the permit was issued;
- (d) be removed and stored indoors each evening, after the close of business, within the premises;
- (e) not be located, erected or displayed on vacant lands;
- (f) not be located, erected or displayed within:
 - (i) 15.0 metres of an intersection or traffic signalization;
 - (ii) 1.50 metres of a private driveway;
 - (iii) 3.0 metres of any other lot line;
 - (iv) 15.0 metres of a property used for residential purposes; and
- (g) not be located, erected or displayed on the same premises or property on which a mobile sign has already been located, erected or displayed unless and until such mobile sign has been removed.

6.10.2 A permit for a portable sign shall be deemed issued if a valid sign permit, for another sign type has been issued. Such permit shall be amended upon receipt of documentation, as required by the Commissioner to approve any sign permit;

6.11 Projecting signs

6.11.1 A projecting sign shall have a maximum of two (2) faces.

6.11.2 The face of a projecting sign shall not be parallel to a premises wall.

6.11.3 Any portion of the projecting sign shall not:

- (a) be less than 3.000 metres above the average grade below said sign; or
- (b) project beyond 1.30 metres from the premises wall.

6.11.4 The projecting sign shall not project beyond the limit of the lot line onto an adjacent private property.

6.11.5 For a projecting sign to overhang a public property under the jurisdiction of the Corporation, the Sign Owner, prior to obtaining a permit, will be required to satisfy additional requirements of the Corporation, including but not limited to the entering into of an agreement for the maintenance of such sign over the public property, and a certificate of insurance naming the City of Kenora, which, among other things, will include a requirement that the sign owner indemnifies and saves harmless the City from any damages, claims or demands arising out of or in connection to the sign;

6.11.6 A projecting sign shall only be located, erected or displayed on the first storey of a multi-storey building.

6.12 Wall signs

6.12.1 The maximum sign area of a wall sign shall be calculated based on the linear horizontal length of the premises wall upon which the wall sign is to be located, erected or displayed.

6.12.2 A wall sign shall be located, erected or displayed on the same premises wall used to calculate the maximum sign area of the wall sign.

6.12.3 Where the premises wall includes horizontal or vertical indentations, the premises wall shall be considered to be continuous only for the purpose of

calculating the maximum sign area for a wall sign provided that the indentation of the premises wall is less than 3.0 metres.

- 6.12.4 A wall sign or portion thereof shall not extend beyond the extremity of the premises wall on which it is located, erected or displayed.
- 6.12.5 A wall sign shall not project more than 0.60 metres from the surface of the premises wall to which it is located, erected or displayed.
- 6.12.6 A read-o-gram may take the form of or may be part of a wall sign and shall only be located, erected or displayed on a premises wall that faces an internal lane, a private driveway or a combination thereof, provided that:
- (a) it shall have a maximum sign area of 0.05 times the linear metre of a premises wall, up to a maximum of 1.00 square metre, and
 - (b) its message shall not be displayed for less than three (3) seconds, during which there shall be no movement or change in colour or intensity of illumination, and message shall not scroll vertically or horizontally;
 - (c) is not located within the Harbourtown Centre area as indicated on Schedule "A".
- 6.12.7 On a multi-storey building, any wall sign shall be located, erected or displayed on the first, second, top storey or a combination thereof, subject to subsection 6.12.8 below.
- 6.12.8 A maximum of one (1) wall sign per premises wall, up to a maximum of four (4) wall signs may be located, erected or displayed on the top storey of a multi-storey building, provided that it shall have a maximum sign area of 14.0 square metres per sign and that its copy shall only display the registered trademarks, including logo, crest or seal in whole or in part of the main tenant or property owner.

6.13 Window Signs

- 6.13.1 A window sign shall only be located, erected or displayed on the first storey of a multi-storey building.

Section 7 – Additional Zone-Specific Conditions For Signs Requiring A Permit:-

7.1 Signs in a residential zone

- 7.1.1 The following provisions in Table B – Provisions for Signs in a residential zone, shall apply to signs located, erected or displayed within any property zoned for multiple residential uses and non-residential uses in a residential zone.

Table B – Provisions for Signs in a Residential Zone					
Sign Type	Premises/Property Ownership/Control	Maximum Number	Maximum Sign Area	Maximum Height	Illumination
Community special events	All	One (1) per event	Pursuant to Section 5.3 Permit fee waived		Non-illuminated or externally illuminated only
Entrance feature sign	All	Pursuant to Section 6.5			Non-illuminated or Externally illuminated only
Mural sign	All	Pursuant to Section 6.8			Non-illuminated or Externally

					illuminated only
Wall Sign	Place of worship or public or separate school board	Unlimited, provided that the combined sign areas do not exceed 0.50 m ² per linear horizontal metre or a premises wall	25.00 m ²	-	Non-illuminated, externally illuminated or internally illuminated
	All other	Two (2) signs Which may be a ground sign, a wall sign or combination thereof	2.40 m ²		Non-illuminated or Externally illuminated only
Ground sign	Place of worship	One (1) per street line and one (1) additional where a minimum separation of 100.0 m is maintained between each permitted ground sign located along any one (1) street	0.30 m ² per linear metre of the street line to a maximum of 5.0m ²	3.0m	Non-illuminated, externally illuminated or internally illuminated
	Public or separate school		5.0 m ² which may include a read-o-gram with a maximum sign area of 2.20m ²	3.05m	Non-illuminated or Externally illuminated only
	All other	Two (2) signs which may be a ground sign, a wall sign or a combination thereof	2.40m ²	1.50m	

7.1.2 Notwithstanding that a ground sign pursuant to subsection 6.5.6 and wall sign pursuant to subsection 6.12.6 may have an electronic message display, a read-o-gram in a residential zone on any wall sign or ground sign, save and except on a property or premises of a public or separate school board, may not have such an electronic message display.

7.2 Signs in a Commercial Zone

7.2.1 The following provisions in Table C – Provisions for Signs in a Commercial Zone shall apply to signs located, erected or displayed within any property in a commercial zone.

Table C – Provisions for Signs in a Commercial Zone				
Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Illumination
Awning sign	One (1) per awning	Awning less than 0.90m in length: 0.75m ² per linear metre of awning Awning equal to or more than 0.90m in length: 0.40m ² per linear horizontal metre of the awning	-	Non-illuminated or Externally illuminated only
Banner sign	Pursuant to Section 6.4			Non-illuminated only
Canopy Sign	-	0.60m ² per linear horizontal metre of the façade to a maximum of 8.40m ² combined sign area Maximum band width of 0.60m	-	Non-illuminated, externally illuminated or internally illuminated
Community Special Events sign	One per event	Pursuant to Section 5.4 Permit fee waived		Non-illuminated only
Fingerboard sign	Pursuant to Section 6.9			Non-illuminated only
Entrance Feature sign	Pursuant to Section 6.5			Non-illuminated, externally illuminated of internally illuminated
Ground sign	One (1) per street line	0.30m ² per linear metre of	3.50m (sign area less than 4m ²)	Non-illuminated,

	One (1) additional ground sign shall be permitted where a minimum separation distance of 200 m is maintained between each permitted ground sign located along any one (1) street line	the street line to a maximum 19.0m ²	6.0 m (sign area exceeding 4.0 m ² but less than 6.0 m ²)	externally illuminated or internally illuminated
Mobile sign	One (1) per street line One (1) additional mobile sign shall be permitted where a minimum separation distance of 50.0m is maintained between each permitted mobile sign located along any one (1) street line	4.46 m ²	2.40 m	Non-illuminated only
Mural sign	Pursuant to Section 6.8			Non-illuminated or Externally illuminated only
Portable sign	One (1) per property	0.60m ²	0.90 m	Non-illuminated only
Projecting sign	One (1) per premises	1.53 m ²	-	Non-illuminated, externally illuminated or internally illuminated
Wall Sign	Unlimited provided that the combined sign areas do not	25.0 m ²	-	Non-illuminated, externally illuminated or internally illuminated

	exceed .75m ² per linear horizontal metre of a premises wall			
Window sign	-	Maximum sign area shall be 25% of a window, window section or window pane and a maximum of 50% of the sign area may be a read-o-gram	-	Non-illuminated, externally illuminated or internally illuminated

** For property or premises within the Harbortown Centre Area, see Table E Provisions for Signs within the Harbortown Centre.

7.3 Signs in an Industrial or Institutional Zone

7.3.1 The following provisions in Table D – Provisions for Signs in Industrial or Institutional Zone shall apply to any property in an industrial or institutional zone and any property in a residential zone if conformance to this Table D is required pursuant to section 7.1 of this By-law.

Table D – Provisions for Signs in an Industrial or Institutional Zone				
Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Illumination
Awning sign	One (1) per awning	Awning less than 0.90m in length: 0.75m ² per linear metre of awning Awning equal to or more than 0.90m in length: 0.40m ² per linear horizontal metre of the awning	-	Non-illuminated or Externally illuminated only
Banner sign	Pursuant to Section 6.4			Non-illuminated only
Canopy Sign	-	0.60m ² per linear horizontal metre of the façade to a maximum of 8.40m ² combined sign area Maximum band width of 0.60m	-	Non-illuminated, externally illuminated or internally illuminated

Community special event sign	One per event	Pursuant to Section 5.3 Permit fee waived		Non-illuminated only
Entrance feature sign	Pursuant to Section 6.5			Non-illuminated or Externally illuminated only
Ground sign	One (1) per street line	0.30 m ² per linear metre of the street line to a maximum 5.0m ²	3.00m	Non-illuminated, externally illuminated or internally illuminated
	One (1) additional ground sign shall be permitted where a minimum separation distance of 200 m is maintained between each permitted ground sign located along any one (1) street line			
Mobile sign	One (1) per street line	4.46 m ²	2.40 m	Non-illuminated only
	One (1) additional mobile sign shall be permitted where a minimum separation distance of 50.0m is maintained between each permitted mobile sign located along any one (1) street line			
Mural sign	Pursuant to Section 6.7			Non-illuminated or Externally illuminated only
Portable sign	One (1) per property	0.60m ²	0.90 m	Non-illuminated only

Projecting sign	One (1) per premises	1.53 m ²	-	Non-illuminated, externally illuminated or internally illuminated
Wall Sign	Unlimited provided that the combined sign areas do not exceed .50m ² per linear horizontal metre of a premises wall	25.0 m ²	-	Non-illuminated, externally illuminated or internally illuminated
Window sign	-	Maximum sign area shall be 25% of a window, window section or window pane and a maximum of 50% of the sign area may be a read-o-gram	-	Non-illuminated, or internally illuminated

7.4 Conflict between General Provisions in Part 6.0 and Zone-specific provisions in Part 7.0

7.4.1 In the event of a conflict or inconsistency between the zone-specific provisions in this Part 7.0 and the general provisions in 6.0 of this by-law, the provisions of this Part 7.0 shall take precedence and govern.

7.4.2 In the event of a conflict or inconsistency between the provisions in this Part 7.0 and the provisions of 8.0, the provisions of Part 8.0 shall take precedence and govern.

Section 8 - Additional Area-specific conditions for signs requiring a permit: -

8.1 Signs in the Harbourtown Centre

8.1.1 General Provisions

(a) A sign located, erected or displayed in the *Harbourtown Centre Area*, as shown on Schedule “A”, shall, in addition to all other applicable provisions of this by-law, conform to the following provisions of this subsection 8.1.1, including the specific provision that apply to the *Harbourtown Centre*.

(b) A read-o-gram or mobile sign shall not be located, erected or displayed on any property within the *Harbourtown Centre*, save and except for the public property upon which is situated the Lake of the Woods Museum and the property upon which is situated the Kenora Recreation Centre upon which one (1) read-o-gram may be located provided that it shall:

(i) be a part of a wall sign or a ground sign;

(ii) be a maximum sign area of 25% of the permitted ground sign or wall sign area; and

(iii) have a message displayed for a minimum of three (3) seconds, during which

there shall be no movement or change in colour or intensity of illumination, and the message shall not scroll horizontally or vertically.

(c) A maximum of one (1) ground sign shall be permitted for a home occupation located in a single detached dwelling, a semi-detached dwelling or a townhouse dwelling in the *Harbourtown Centre* provided that it shall:

- (i) have a maximum sign area of 0.20 square metres;
- (ii) have a maximum height of 1.50 metres;
- (iii) have a minimum setback of 1.5 metres from any lot lines or street lines; and
- (iv) be externally illuminated or non-illuminated.

(d) A wall sign within the *Harbourtown Centre Area* shall:

- (i) Be located, erected or displayed on a premises wall that abuts a street; and
- (ii) Not be located, erected or displayed on:
 - (1) Any single detached, semi-detached, townhouse or apartment dwellings; or
 - (2) A premises wall that abuts a single-detached, semi-detached or townhouse dwelling except where it is separated from the dwelling by a street, provided that said sign is externally illuminated or non-illuminated

(e) A maximum of three (3) directional signs, which may take the form of ground signs, a wall sign or a combination thereof, may be located, erected or displayed within a property in the *Harbourtown Centre Area* provided that:

- (i) The maximum sign area of the ground sign(s) or wall sign(s) shall be 0.5 square metres;
- (ii) The maximum height for ground signs shall be 1.20 metres; and
- (iii) A wall sign shall only be located, erected or displayed on the first storey of a premise.

8.1.2 Harbourtown Centre

(a) In addition to all the general provisions in subsection 8.1.1, the following provisions, in Table E – Provisions for Sign in the *Harbourtown Centre Area* shall apply to any property in the *Harbourtown Centre Area*.

Table E – Provisions for Signs in the Harbourtown Centre					
Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Location	Illumination
Awning sign or wall sign only located, erected or displayed on a premises with a flat roof, save and except subsection 8.1.2(b)	One (1) awning sign per awning or one (1) wall sign per premises	Awning less than 0.90m in length: 0.75m ² per linear metre of awning Awning equal to or more than 0.90m in length: 0.40m ² per linear horizontal metre of the awning Wall sign: 0.50 m ² per linear metre of the wall or 10.0 m ² , whichever is lesser with a maximum vertical dimension of 0.80 m	-	Only on the first storey of a premises. Wall sign shall not be located, erected or displayed less than 0.30m from: a) below the top of a parapet wall in a single storey premises; b) below the top of the first storey in a multi-storey premises	Non-illuminated or Externally illuminated only

	One (1) additional awning sign or wall sign per premises wall that abuts an additional street/lane or private laneway	Awning less than 0.90m in length: 0.75m ² per linear metre of awning Awning equal to or more than 0.90m in length: 0.40m ² per linear horizontal metre of the awning Wall sign: 0.25 m ² per linear metre of the wall or 5.0 m ² , whichever is lesser with a maximum vertical dimension of 0.80 m		c) any side of the premises wall; and (d) any other existing sign	
Community Special event sign	One per event	Pursuant to Section 5.3			Non-illuminated only
Entrance feature sign		Pursuant to Section 6.4			Non-illuminated or Externally illuminated only
Ground sign, save and except as set out in subsection 8.1.2(c)	One (1) per street line	2.40 m ²	1.50 m	0.75 m from street line	Non-illuminated or externally illuminated
Mural sign	One (1) per property	Pursuant to Section 6.8			Non-illuminated or externally illuminated only
Portable Sign	One (1) per private property	0.60 m ²	0.90 m ²	0 metre setback from street line	Non-illuminated only
Projecting sign	One (1) per premises	On the first storey: maximum 1.53 m vertical and horizontal dimensions	-	Maximum extension of 1.0 m from the premises wall	Non-illuminated or externally illuminated
		On the second storey: Maximum 1.83		Minimum clearance of 3.0 m above average grade	

		m vertical dimension and 0.50 horizontal dimension Maximum sign area of 1.0 m ² per sign face		On the first storey, second storey of a premises or combination thereof	
Window sign	One (1) per premises	On the first storey: maximum 15% of a window, window section or window pane or 0.75m ² whichever is lesser	-		Non-illuminated only
		On the second storey: Maximum 25% of the window area or 1.50m ² whichever is lesser			

(b) Any wall sign located, erected or displayed on a public property upon which the Lake of the Woods Museum and/or City of Kenora Recreation Centre is/are situated upon shall have a maximum sign area of 10.0 square metres per sign provided that the aggregate of sign areas shall not exceed .50 square metres per linear horizontal metre of the premises wall.

(c) Any ground sign located, erected or displayed on a public property upon which (same as above buildings) is situated upon shall have a maximum sign area of 8.0 square metres and a maximum height of 5.0 metres.

(d) No sign shall obstruct a building's architectural features, including but not limited to; windows, brackets, sills, cornices and decorative masonry.

Section 9 - Signs for New Development Sales Pavilion and Sales Trailer: -

9.1 The following provisions in Table G – Provisions for Signs for New Development Sales Pavilion and Sales Trailer shall apply to signs for a sales pavilion and sales trailer related to any development in all zones.

Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Illumination
Flag sign	Thirty (30) per sales trailer or sales pavilion	1.40 m ²	6.0 m including supporting structures	Non-illuminated only
Ground sign	Two (2) per sales trailer or sales pavilion; or	9.30 m ² for two ground signs; or	6.10 m	Non-illuminated or externally illuminated
	One (1) per sales trailer or sales pavilion	18.6 m ² for one (1) ground sign		

Portable sign	Two (2) per sales trailer or sales pavilion	.60 m ²	-	Non-illuminated or externally illuminated
Wall sign	Shall only be permitted on a maximum of three (3) sides of a sales trailer or sales pavilion	.75 m ² per linear horizontal metre of wall up to a maximum of 25.0 m ² per wall, whichever is lesser	-	Non-illuminated or externally illuminated

9.2 Construction Signs

- 9.2.1 A maximum of one (1) construction sign in the form of a ground sign may be located, erected or displayed on a property only after the construction it advertises has commenced and provided that it shall:
- (a) have a sign area of 0.25 square metres per linear metre of street line up to a maximum of 7.00 square metres; and
 - (b) be non-illuminated or externally illuminated.

- 9.3.2 The sign owner shall remove such a construction sign within 28 days from when the certificate of occupancy has been issued in relation to the development.

Section – 10 Administration of Authority – Delegated to Commissioner: -

- 10.1 The Commissioner is responsible for the administration of this by-law and is hereby delegated the authority, subject to the applicable provisions of this By-law, to:
- (a) receive permit and variance applications and fees;
 - (b) issue permits for signs that conform to the requirements of this by-law;
 - (c) refuse to issue permits for signs that do not conform to the requirements of this by-law;
 - (d) revoke permits;
 - (e) issue orders, including an order to remove a sign; and
 - (f) remove signs.

Section – 11 Permits: -

- 11.1 A permit is required for any sign erected, located or displayed within the City with the exception of those signs that strictly conform to the provisions of Part 5 of this By-law.

- 11.2 The Commissioner shall only issue a permit for a sign pursuant to this By-law if the said sign conforms with and satisfies any and all requirements of the *Ontario Building Code*.

- 11.3 Any permit issued under Part 11.0 of this by-law shall expire:
- (a) immediately upon the removal of the sign;
 - (b) upon the expiry of any display period specified under this by-law or pursuant to the terms of a permit;
 - (c) in all other instances, within six (6) months from the date of issuance, unless the sign has been erected for its intended purpose.

- 11.4 An application may be made in writing to the Commissioner to extend the permit for a further six (6) months, provided the sign continues to conform to all requirements of this by-law and any other corporation by-laws and other provisions existing at the time of renewal.

- 11.5 The Commissioner may revoke a permit under the following circumstances:
- (a) the permit for a sign has been issued in error;
 - (b) the sign does not conform to this by-law or any conditions of approval of a variance pursuant to this by-law, the *Ontario Building Code* or any other applicable provision of the by-law, or legislation; or
 - (c) the permit for a sign has been issued as the result of false, mistaken, incorrect or misleading statements, information or undertakings on the permit application.

Section 12 – Application for Permit: -

- 12.1 An applicant for a permit shall submit the following to the City of Kenora, or to any successor department:
- (a) a completed application form, as prescribed by the Commissioner, including but not limited to the following details:
 - (i) where applicable, proof of approval for the proposed sign from all other governmental authorities having jurisdiction;
 - (ii) any other documentation or information that the Commissioner may require in order to determine if a sign conforms to the requirements of this by-law.
- 12.2 The Commissioner shall issue a permit if, upon receipt of the applicable application documentation, and after receiving comments resulting from an internal circulation of the application from (but not limited to) the following departments: Heritage Committee (in the case of signs in the Harbourtown Centre, Kenora Hydro, Sewer/Water Department, Engineering, Roads, Planning, By-law and Building, is satisfied that the requirements for the proposed sign as set out in this by-law for the issuance of such permit have been met.

Section 13 – Variance: -

- 13.1 A variance may be authorized by the Sign Committee, if in the opinion of the Sign Committee, the general intent and purpose of this By-law are maintained.
- 13.2 Any application to vary from this By-law shall be made by completing and submitting:
- (a) the application form prescribed by the Commissioner;
 - (b) the applicable drawings, plans or specifications for the proposed sign(s);
 - (c) the application fees as set out in Schedule “C” to this By-law; and
 - (d) the applicable administrative fee as set out in Schedule “C” for any sign erected, located or displayed on a property or premises prior to obtaining a permit in accordance with this By-law.
- 13.3 In considering the application for a variance, the Sign Committee shall have regard to:
- (a) special circumstances or conditions applying to the land, building, or use referenced in the variance application;
 - (b) whether strict application of the provisions of this By-law in the context of special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant that is inconsistent with the general intent and purpose of this By-law;
 - (c) whether such special circumstances or conditions are pre-existing and not created by the property owner or applicant; and
 - (d) whether the sign that is the subject of the variance application will alter the essential character of the general area or premises in which the sign is proposed to be located, erected or displayed.

Section 14 – Enforcement and Penalties: -

- 14.1 Any person who contravenes any provision of this By-law or an order issued pursuant to this Part 14.0 is guilty of an offence.
- 14.2 All By-law Enforcement Officers are authorized to enforce the provisions of this By-law.
- 14.3 Where a sign does not comply with this By-law or a permit issued under Part 10.0 of this By-law, a By-law Enforcement Officer may issue a notice to order the sign owner to remove or bring the sign into conformity in the manner and within the time specified in the notice.
- 14.4 Any notice given under Part 14.3 may be given:
 - (a) by personal service upon the sign owner; or
 - (b) by pre-paid registered mail sent to the last known address of the sign owner, or as shown on the most recent records of the Corporation; or
 - (c) by prominently posting a copy of the notice either on the sign in respect of which the order is made, or on the premises upon which the sign is located, erected or displayed.
- 14.5 Where a notice is given under Part 14.3 it is deemed to have been issued and received by the sign owner being served upon the personal service, mailing or posting of the order.
- 14.6 The Commissioner, a By-law Enforcement Officer or any other person designated by them for such purpose, may enter onto a property or premises at any time and/or may remove a sign immediately without notice or compensation to the sign owner if such sign:
 - (a) is not brought into conformity as required by an order pursuant to Part 14.3 within the time specified;
 - (b) is located, erected or displayed on, over, partly on, or partly over any public property owned by or under the jurisdiction of the Corporation and does not conform to the provisions of this By-law;
 - (c) constitutes a safety hazard or a concern, which shall be determined in the Commissioner's sole discretion;
- 14.7 Any sign removed by the Corporation shall be stored by the Corporation for thirty (30) days during which time the sign owner may redeem such sign upon payment of any applicable fees.
- 14.8 Where a sign has been removed by the Corporation and has been stored for a period exceeding thirty (30) days and has not been redeemed by the sign owner under Section 14.7 to this By-law, said sign may be destroyed or otherwise disposed of by the Corporation without notice or compensation.
- 14.9 The cost incurred by the Corporation in removing or disposing of a sign is deemed to be municipal taxes and may be added to the Collector's Roll and collected in the same manner as municipal taxes. Notwithstanding the foregoing, the costs incurred by the Corporation are a debt payable to the Corporation and may be recovered in any court of competent jurisdiction.
- 14.10 All contraventions of this By-law or notices issued under this Part 14.0 are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. 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 offense.

- 14.11 On contravention of an offence under this By-law, a person is liable to a fine in accordance with section 429 of the *Municipal Act, 2001* and the following rules made pursuant to section 429 of the *Municipal Act, 2001*:
- (a) a minimum fine of \$500.00 and a maximum fine which shall not exceed \$100,000.00 for a contravention of this By-law;
 - (b) in the case of a continuing offense, for each day or part of a day that the offense continues, a minimum fine of \$500.00 and a maximum fine of \$10,000.00, the total of which, notwithstanding Section 14.11(a), may exceed \$100,000.00; and
 - (c) in the case of a multiple offense, for each offence included in the multiple offence, a minimum of \$500.00 and a maximum fine of \$10,000.00, the total of which, notwithstanding Section 14.11(a), may exceed \$100,000.00.
- 14.12 On conviction of an offence under this By-law, a person is, in addition to the fine provided for in Section 14.11 of this by-law, liable to a special fine in accordance with subsection 429(2)(d) of the *Municipal Act, 2001*. The amount of the special fine will be the minimum fine as provided for in Section 14.11 of this By-law to which may be added the amount of economic advantage or gain that person has obtained or can obtain from the contravention of this By-law, pursuant to this Part 14.0, or a combination thereof. Pursuant to subsection 429(3)(1) of the *Municipal Act, 2001* a special fine may exceed \$100,000.00.
- 14.13 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 15 – Presumption: -

- 15.1 Where an unlawful sign is found on private property, the property owner or any occupant of the property or premises shall be presumed to have been the person who unlawfully placed or erected the unlawful sign, which presumption may be rebutted by evidence to the contrary, on a balance of probabilities.
- 15.2 Where an unlawful sign is found on public property, any person named on the unlawful sign and any officer or director of the person, or any partner of the person where the person is a partnership, or any proprietor of the person where the person is sole proprietorship shall be presumed to have been the person who placed or erected; and where no name appears on the unlawful sign but a telephone number appears, any person whom the phone number is listed according to a telephone directory, shall be presumed to have been the person who located, erected or displayed the unlawful sign, or to have caused or permitted the unlawful sign to be located, erected or displayed. The presumption herein may be rebutted by evidence to the contrary, on a balance of probabilities.

Section 16 – Interpretation: -

- 16.1 Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse.
- 16.2 A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 16.3 The word “shall” is mandatory and the word “may” is permissive.
- 16.4 Any reference to any statute shall include a reference to any act or statute that has the effect of amending or superseding such statute, and shall include all regulations thereto.

- 16.5 In the event that any particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

Section 17 – Conflict: -

- 17.1 Where a provision of this By-law conflicts with a provision of any applicable government legislation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 17.2 Where a provision of this By-law conflicts with any other Corporation By-law, it is the By-law which carries the higher standard that shall prevail.

Section 18 – Application of Other Laws: -

- 18.1 The issuance of a permit does not relieve the applicant of the responsibility of obtaining all other approvals that may be required by the Corporation or any other level of government and agencies thereof or compliance with any other by-law, legislation or obligation.

Section 19 – Effective Date: -

- 19.1 This By-law comes into force and takes effect on June 14, 2010
- 19.2 The Corporation will commit to a comprehensive review of this By-law as deemed necessary by the Sign Committee.

Section 20 – Repealed By-Laws: -

- 20.1 By-law No. 50-2004 is hereby repealed in its entirety.

Read a First and Second Time This 14th Day of June, 2010

Read A Third Time and Passed This 14th Day of June, 2010

L.P. Compton, Mayor

Heather L. Kasprick, Deputy Clerk

Schedule “A”

MAP OF HARBOURTOWN CENTRE

Schedule “B”

MAP OF ARTERIAL/COLLECTOR
ROADS

Schedule “C”

FEES