

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 8-2009

A By-law for prohibiting or regulating signs and other advertising devices

WHEREAS Councils of local municipalities may pass by-laws to prohibit or regulate signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas of the municipality;

AND WHEREAS Notice of the proposed passing of this By-law and of the Council meeting at which this By-law was to be considered by Council were published in the Northumberland News days of November 26, 2008 and December 3, 2008;

AND WHEREAS Council heard from all persons who applied to be heard at the Council meeting held on December 8, 2008 to consider the passage of this By-law;

AND WHEREAS Council for the Corporation of the Town of Cobourg deems it advisable to pass this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG enacts as follows:

SEC. 1. DEFINITIONS

In this By-law the following words and phrases shall have the following meanings:

- (1) **Animated Sign** - shall mean a sign with action or motion, flashing and/or colour changes.
- (2) **Banner Sign** - shall mean a temporary sign made of vinyl, cloth, canvas, or other pliable material, but shall not include a flag or banner employed for artistic or design purposes.
- (3) **Business** - shall include any commercial, professional or office based use or occupation.
- (4) **Chief Building Official** - shall mean the person appointed by Council by By-law as the Chief Building Official pursuant to the provisions of the Building Code Act, S.O., 1992, c.23 as amended or any successor legislation.
- (5) **Corporation** - shall mean the Corporation of the Town of Cobourg.
- (6) **Directional Signs** - shall mean signs designed solely for the purpose of directing and regulating pedestrian or vehicular traffic in a safe and controlled manner on private or public lands.
- (7) **Fascia Sign** - shall mean any sign or display attached to or painted across the exterior surface of a building or any part thereof.
- (8) **Free-standing Sign** - shall mean a sign which is supported by one or more columns, uprights or braces which is installed upon or connected to the ground for the sole purpose of supporting the sign and which is not attached to any building or structure but does not include a Portable Sign, Real Estate Development Sign.

- (9) **Heritage Conservation District** - shall mean the area within the Town of Cobourg designated as being the Heritage Conservation District in By-law No. 118-91 as amended from time to time.
- (10) **Illuminated Sign** - shall mean a sign in which a source of light is used in order to make readable the message including internally and externally lighted signs and reflectorized, glowing and radiating signs.
- (11) **Incidental Sign** - shall mean numerical street numbers, or any sign that has a face area less than .1 square meter which is solely connected with a festive or religious occasion or public holiday, or any sign that is an integral part of equipment or machinery.
- (12) **Inflatable Sign** - shall mean a sign designed to be airborne and tethered to the ground, a vehicle or other structure, and shall include balloons. For purposes of this By-law an Inflatable Sign shall be deemed to be a Portable Sign.
- (13) **Lot** - shall mean the total horizontal area of land described within a registered deed or other document legally describing the property limits of such lands.
- (14) **Person** - shall mean and include any individual, association, firm, partnership, incorporated company, corporation and the heirs, executors, administrators, successors and assigns or other legal representatives of a Person to whom the context can apply according to law.
- (15) **Portable Sign** - shall mean a two-sided sign mounted on or connected to a trailer or other means of conveyance and which is not permanently anchored in the ground and is designed in such a manner so as to facilitate its movement from place to place for the purpose of advertising special events, whether commercial or otherwise, on a temporary basis including Inflatable Signs but does not include a Sandwich Board or Real Estate Development Sign.
- (16) **Read-O-Graph Sign** - means a permanent sign containing illuminated electronic messages consisting of letters or numbers or a combination of letters or numbers that change at a rate of not less than once every 5 seconds.
- (17) **Real Estate Development Sign** - shall mean a sign used by real estate companies, developers and other persons having an interest in the sale of land and/or buildings to direct prospective customers to a real estate development or developments.
- (18) **Roof Sign** - any sign which is located entirely on or above the roof of a building or is located entirely on the top of or above the parapet of a building.
- (19) **Sandwich Board Sign** - shall mean a sign which is erected or placed on but not permanently attached to the ground with copy on either or both sides.
- (20) **Sign** - shall mean and include any structure, device or thing (and all parts thereof) which identifies, describes or advertises any building, place, business, enterprise, organization, product, thing, event, service or goods or promotes the sale of goods, services or things or identifies goods, services or things for sale in such a way as to be visible to the public.
- (21) **Sign Structure** - shall mean those parts of a sign consisting of the supports or framework for the support of the sign.
- (22) **Street Line** - shall mean the limit of a road or street allowance and is the dividing line between a lot and a road or street.

SEC. 2. APPLICATIONS

- (1) All applications for permits pursuant to the provisions of this By-law shall be made to the Chief Building Official and the Chief Building Official shall be entitled to refuse to issue a permit for any sign or other advertising device that, if erected, displayed, altered or repaired would contravene the provisions of any By-law of the Corporation, including the provisions of this By-law.
- (2) In addition to such other information as the Chief Building Official may require, an application for a permit pursuant to this By-law shall contain:
 - (a) A scaled block plan, showing the street lines and other boundaries of the property upon which it is proposed to erect the sign or other advertising device and the location of the sign or other advertising device upon the property in relation to other buildings and structures upon such property and upon the lands and streets immediately adjoining thereto;
 - (b) Complete plans and specifications covering the construction of the sign or other advertising device and its supporting framework including the sign structure;
 - (c) Design drawings and such other information as may be required in determining whether the building or structure upon which the sign or other advertising device is to be located can accommodate the additional loads and stresses created by the sign or other advertising device.
- (3) An application for an awning or fascia display which will project over a municipal road or municipal property shall include a drawing of the sign's attachment to the building which shall be designed and stamped by a professional engineer licensed to practice as such in the Province of Ontario and it shall also include a letter from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Corporation that the owner of the awning or fascia display has public liability and property damage insurance in the minimum amount of One Million Dollars (\$1,000,000.00) and that the Corporation is shown as an additional insured on such policy. The letter from the insurer shall also certify that the policy provides that a minimum of 30 days notice will be given to the Corporation prior to any alteration, revocation or termination of the said policy. The owner shall also provide the Chief Building Official with the Owner's written agreement to indemnify and save harmless the Corporation against any and all actions, causes of action, losses, damages, suits, judgments, orders, awards, claims costs and demands that may arise as a result of installation of the awning or fascia display.

SEC. 3. APPLICABLE FEES

Every application for a permit made pursuant to the provisions of this by-law shall be accompanied by an application fee in an amount that is established from time to time by resolution of the council of the corporation.

SEC. 4. ISSUE OF PERMIT

The Chief Building Official may issue a permit for the erection of a sign when:

- (1) The Chief Building Official has approved the application and all plans and drawings included with the application;
- (2) All applicable fees have been paid in full; and
- (3) Requirements of this By-law have been complied with.

SEC. 5. **GENERAL**

- (1) No person shall cause or permit any type of sign or advertising to be erected, placed, displayed, maintained, altered or repaired unless the person has obtained a permit for the sign or advertising device in accordance with the provisions of this By-law.
- (2) The provisions of this By-law shall not apply to:
 - (a) any signs, bills, posters or placards erected or placed by the Corporation; or
 - (b) signs erected on any street or highway by the Ontario Ministry of Transportation or by the Provincial or Municipal Police for the regulation, control, information, protection and safety of the traveling public; or
 - (c) signs in the interior of buildings, whether they can be seen from the outside or not, and window painted signs; or
 - (d) incidental signs.
- (3) No sign of any kind shall be attached to or placed upon a building in such a manner so as to obstruct any door, window or fire escape or any window or door leading thereto, or any ventilating system, nor shall any sign be attached in any form, shape or manner to a fire escape.
- (4) No sign shall be placed in such a position that any part of such sign, or the support thereof will be closer than .9 meters to any fire alarm, telephone, telegraph, or other wire or conduit, carrying electric current without the written consent and approval of the person having jurisdiction over such wire or conduit.
- (5) No banner, stringer or advertising device shall be suspended across any street or any part thereof without the prior written approval of the Council of the Corporation. A Street Occupation Permit shall be obtained from the Chief Building Official by the person erecting the banner, stringer or advertising device in the event that it is necessary for any work to be conducted or performed over municipal property.
- (6) Except for Real Estate Development Signs and Sandwich Board Signs which have been authorized by the Corporation pursuant to the provisions of this By-law, no sign other than Service Club, Bus Stop and/or First Aid signs shall be located on any municipal street, square, footway, sidewalk or boulevard, and then only with the authorization of Council of the Corporation.
- (7) Notwithstanding the provisions of Paragraph 14 of this By-law, a sign shall be permitted on a Bus Shelter provided that the other requirements of this By-law have been satisfied and the location of the Bus Shelter has been approved by the Corporation.
- (8) No person shall paint, print or impress any sign, notice or advertisement on any sidewalk on any municipal property without first obtaining the written authorization from the Corporation.
- (9) No person shall erect or place Animated Signs on any lot within the Corporation.
- (10) Directional Signs in any off-street parking area shall not exceed 1.1 square meters in area nor 2.4 meters in height. Directional signs shall be permitted in all zones in the Town of Cobourg in addition to other permitted signs. Directional signs shall not contain any wording, symbol, or design except as is necessary to direct pedestrian or vehicular traffic.
- (11) The illuminating of any type of sign or other advertising device shall not be carried out by any means including without limiting the generality of the foregoing, the use of red, green or amber lighting or by means of spot lights, if in the opinion of the

Chief Building Official, after consultation with the Corporation's Director of Engineering and the Traffic Division of the Cobourg Police Department, such lighting may cause confusion to motorists or when the illumination of any sign or other advertising device may disturb residents in the area.

- (12) Despite anything in this By-law to the contrary, no sign shall be erected, placed or displayed which may obstruct the vision of the driver of a motor vehicle on a public highway or private driveway that provides access to a public highway.
- (13) Provided that a sign is otherwise permitted by the provisions of this By-law, a building having two exposures or more is permitted one fascia display on each exposure.
- (14) No sign or other advertising device or structure shall extend on or over municipal property except for fascia displays authorized by this By-law, awnings authorized by this By-law and/or a marquee structure which existed on the date of the passing of this By-law.
- (15) Messages on a Read-O-Graph sign may change at a rate of not less than once every five seconds and flashing images on Read-O-Graph signs are not permitted.

SEC. 6. **FASCIA SIGNS**

- (1) Where a fascia sign overhangs municipal property, the overhang shall not be more than 0.3 meters from the wall surface of the building to which it is attached.
- (2) No sign or other advertising device (whether fascia sign or otherwise) shall be erected upon or attached to any building unless such building will carry the additional dead load or wind load caused by the erection of such sign or advertising device and the Chief Building Official may require from the owner certification by a qualified Professional Engineer as to the strength of the building to withstand the additional load. Fascia signs shall be securely fastened to a masonry wall by means of anchors, bolts, expansion screws or similar connections. A fascia sign which is attached to a wooden wall may be anchored with wood blocks used in connection with screws and nails. A fascia sign shall not be supported solely by an unbraced parapet wall.
- (3) The clearance between the lowest portion of any fascia sign or any part thereof and the surface of the ground below the fascia sign shall be not less than 3 meters.

SEC. 7. **ROOF SIGNS**

- (1) No person shall construct or erect a roof sign unless the roof sign forms part of the original design for a building and has been designed and stamped by a professional engineer duly certified to practice as such in the Province of Ontario.

SEC. 8. **PORTABLE SIGNS**

- (1) No person shall place or display or permit to be placed or displayed a portable sign on any land within the municipal limits of the Corporation unless and until a permit has been obtained for the portable sign in accordance with the provisions of this By-law.
- (2) Despite the provisions of Section 14 of this By-law a portable sign, when authorized, placed and displayed in accordance with the provisions of this By-law, shall be permitted in any zone save and except for any Residential zone, Rural zone, or within the Commercial Core of the Heritage Conservation District, as defined in By-law No. 118-91, and such portable sign may be authorized, placed or displayed in addition to any other permitted sign on such property provided that the portable sign

shall be located on private property only and provided further that the portable sign shall be located in accordance with the provisions of the Corporation's Comprehensive Zoning By-law as amended from time to time.

- (3) Every permit issued for a portable sign pursuant to this By-law shall be issued for a single period of not more than thirty days (30) and no business shall be issued more than three (3) portable sign permits in any calendar year.
- (4) Despite any provision of this By-law to the contrary:
 - (a) A maximum of one portable sign shall be permitted to be displayed on any lot at one time except as provided in Section 8 (5) of this By-law; and
 - (b) There shall be a minimum period of thirty (30) days between the date of the expiration of a permit for a portable sign and the issuance of a further portable sign for the same business.
 - (c) Portable sign permits are not transferable, and the message on the sign must relate to products sold and services provided by the business to which the permit is issued.
 - (d) Businesses sharing a common store front shall be considered as a single business for purposes of Section 8 of this by-law.
- (5) Despite the provisions of Section 8.(4) of this By-law, where a lot containing a building or buildings with more than one business thereon has frontage on a public street or streets of more than five hundred feet (500'), a maximum of two portable signs may be displayed at any one time on such lot at the locations to be specified by the Corporation (which locations shall be separated by a distance of at least five hundred feet (500') and shall comply with all of the other requirements of this By-law.
- (6) Despite the provisions of Section 8.(3) above, a registered charitable or non-profit organization may once in each calendar year obtain a permit, at no fee, to display a portable sign for its own purpose for a maximum of thirty (30) consecutive days.
- (7) The maximum size of the display area of any portable sign shall be 4.6 square meters on each side.
- (8) Every portable sign for which a permit has been issued pursuant to this By-law shall be placed or displayed on the lot to which the information on the sign relates; and
- (9) The Owner of a lot upon which a portable sign is located in accordance with a permit issued pursuant to this By-law shall forthwith upon the expiration of the period for which the permit is issued (referred to herein as the Permit Period) remove the portable sign from the lot and in the event that the portable sign is not removed from the lot upon the expiration of the Permit Period the Corporation may, in addition to any other rights or remedies it may have in law, provide the Owner of the lot at least forty-eight hours (48) notice to remove the portable sign and if, at the expiry of this 48 hour notice period the portable sign has not been removed, the Corporation or its agents or employees may enter upon the lot and remove the portable sign at the expense of the Owner of the lot pursuant to the provisions of Section 13 of this By-law.
- (10) No person shall place or display or permit to be placed or displayed a portable sign on any land within the municipal limits of the Corporation in contravention of any provision of this By-law.
- (11) Despite anything contained in this By-law, no person shall place a portable sign on any lot that contains a Read-O-Graph sign.

SEC. 9. REAL ESTATE DEVELOPMENT SIGNS

- (1) No person shall place or display or permit to be placed or displayed a Real Estate Development Sign on any land within the municipal limits of the Corporation unless and until a permit has been obtained for same in accordance with the provisions of this By-law.
- (2) A permit issued for a Real Estate Development Sign shall expire on the same date as the expiry date of the Certificate of Insurance that is provided pursuant to Section 9.(3) of this By-law. Permits for Real Estate Development Signs shall be renewed annually on or before the said expiration date of the Certificate of Insurance regardless of whether the Real Estate Development Sign it to be displayed for the entire year or any part thereof.
- (3) In addition to the other requirements of this By-law, where an applicant for a permit for a Real Estate Development Sign requests permission to place such sign on publicly owned lands within the municipal limits of the Corporation, such application shall be accompanied by a certificate from an insurance company duly licensed to carry on business in Ontario addressed to the Corporation and certifying that the owner of such sign has public liability and property damage insurance in a minimum amount of One Million Dollars (\$1,000,000.00) and the Corporation shall be shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days written notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy.
- (4) In addition, to the other requirements of this Section the sign owner shall provide the Chief Building Official with a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against any and all actions, causes of action, losses, damages, suits judgments, orders, awards, claims, costs and demands.
- (5) The Corporation shall be entitled, without prior notice to the owner of the said sign, to confiscate and remove any Real Estate Development Sign, at the expense of the owner of such sign, which is displayed in contravention of the provisions of this By-law.
- (6) The maximum size of any Real Estate Development Sign placed or displayed on any land within the municipal limits of the Corporation shall be .9 meters wide by .9 meters high on each side.
- (7) No person shall place or display or permit to be placed or displayed more than two Real Estate Development Signs on municipal property for each development project located within the municipal limits of the Town of Cobourg.
- (8) The locations for the display of Real Estate Development Signs shall be approved by Council prior to the installation of a Real Estate Development Sign.
- (9) No person shall place a Real Estate Development Sign within any "sight triangle" as defined by the Corporation by By-law or Resolution.

SEC. 10 FREE STANDING SIGNS

- (1) Free standing signs shall be constructed of non-combustible materials or pressure-treated wood provided however that the facings, letters, figures and structural trim may be made of approved combustible materials.
- (2) Supports for free standing signs shall be located on private property only.
- (3) Where supports for free standing signs are made of wood, such supports must be installed a minimum of 1.2 meters below ground level and the earth shall be well compacted around such supports. When the supports for a free standing sign are

made of a substance other than wood, such supports shall be set in concrete footings of sufficient size and weight to prevent the overturning of the sign and shall be designed and stamped by a professional engineer duly licensed to practice as such in the Province of Ontario.

SEC. 11 OTHER TYPES OF SIGNS

- (1) Despite the provisions of Sec. 14 of this By-law, one sign, not over 9.3 square meters in total area and not illuminated, located not closer than 15.2 meters from any street line nor closer than 6.1 meters to a side or rear lot line, may be erected on the future site of any school, church, public, commercial or residential building, stating the name of the building to be constructed on the lot and the contractor's name and address, and/or the sub-contractors, engineers, architects and other agents. Every such sign shall be removed from the property at the expiration of one year from the date of the issuance of a permit for such sign but the Council may, by resolution, grant an extension for a maximum of one additional year.
- (2) One non-illuminated sign advertising a property for sale, rental, lease or sold may be erected on the property to be sold or leased not closer than 3 meters to any street line and shall not exceed .6 square meters in area. If a building exists on the lot closer than 3 meters to the street line, such sign shall then be attached flat to the face of the building. No permit shall be required for any such sign but such sign shall be removed within thirty (30) days after the property is sold.
- (3) Despite the provisions of Section 14 of this By-law, a sign may be erected within a subdivision property advertising lots or units for sale in that subdivision provided that the sign shall not exceed a total of 9.3 square meters in area. Every such sign shall be placed not closer than 15.2 meters to any street nor closer than 7.6 meters to any lot line. Every such sign shall be removed from the property at the expiration of one year from the date of the issuance of a permit for such sign but the Council may by resolution grant an extension for a maximum of one additional year.
- (4) Despite the provisions of Paragraph 14 of this By-law, election signs shall be permitted on private property only for a period commencing the day the electoral writ is issued and terminating on the relevant polling day, provided the said signs do not obstruct or interfere with the vision of vehicular traffic. No permit shall be required for such signs.
- (5) Despite anything in this By-law to the contrary, signs advertising yard sales, garage sales and/or open houses may be permitted on private property only for a period not to exceed twelve (12) consecutive hours provided that the said signs do not obstruct or interfere with the view of the drivers of motor vehicles on any highway. No permit is required for such signs provided the signs do not have a display area of more than .4 square meters in area.
- (6) Marquee structures shall be prohibited within the municipal limits of the Corporation save and except those marquee structures that lawfully existed on the date of final passing of this By-law.

SEC. 12. MAINTENANCE

The owner of any land, building or structure upon which a sign is located (except lands owned by the Corporation) shall be responsible to ensure that every such sign (together with the sign structure and other component parts) is kept in good repair and in a safe condition at all times and is properly maintained so that the message contained thereon is complete and legible at all times.

SEC. 13. REMOVAL OF SIGNS

- (1) The Chief Building Official or such person or persons as may be authorized by the Chief Building Official are hereby authorized to pull down or remove any sign or other advertising device that is erected or displayed in contravention of any of the provisions of this By-law, at the expense of the owner of such sign or other advertising device.
- (2) The Chief Building Official may require, by written notice, any person who,
 - (a) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or
 - (b) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit is issued;

to make such sign or advertising device comply with this By-law on or before the date specified in such notice, which date shall be no less than ten (10) days from the date of such notice. Where any person fails to comply with the requirements of such notice to the satisfaction of the Chief Building Official within the time frame specified in such notice, the Chief Building Official or such person or persons as may be authorized by the Chief Building Official may pull down or remove or arrange to pull down or remove such sign or other advertising device at the expense of such person.
- (3) The remedies provided in this paragraph are in addition to any other remedy available to the Corporation.
- (4) Neither the Chief Building Official nor the Corporation nor any of its employees, workmen or agents shall be liable for any damage whatsoever or howsoever caused to any sign or other advertising device which is pulled down or removed by or under the direction of the Chief Building Official in accordance with the provisions of this By-law.

SEC. 14. ADDITIONAL SIGN REQUIREMENTS FOR DEFINED AREAS

In addition to the other requirements of this By-law, the following provisions, restrictions and regulations shall apply in the zones hereinafter described. The references hereinafter contained to various zone categories shall mean the zone categories as set out in the Comprehensive Zoning By-law for the Corporation being By-law 85-2003 as amended from time to time or any successor thereto.

(1.) Open Space and Environmental Constraint Zones

In the Open Space and Environmental Constraint Zones the following signs only shall be permitted:

- (a) Up to two signs (either fascia sign or free standing) per lot indicating only the name of the owner or occupant of the lot or building thereon and/or the use of the lot or building thereon.

(2.) Residential Zones

In Residential Zones the following signs only shall be permitted:

- (a) One non-illuminated or illuminated sign (either fascia sign or free standing) per lot, not exceeding .2 square meters in area (1.4 square meters in area for a multiple unit building) and located not closer than 3 meters to any street line, indicating the name of the building or the owner or occupant of the lot. If the building on the lot is closer than 3 meters to the street line, such sign

- shall then be attached flat to the exterior surface of the building;
- (b) One non-illuminated free standing sign per lot not exceeding .2 square meters in area, indicating "No Trespassing";
- (c) One non-illuminated free standing sign per lot not exceeding .2 square meters in area, advertising vacancy, boarding or lodging in the building on the lot on which such sign is located; and
- (d) Up to two non-illuminated or illuminated fascia signs not exceeding 1.1 square meters in area, indicating the name of the Public or Institutional use of the lot, where applicable.

(3.) Institutional Zone

In the Institutional Zone the following signs only shall be permitted:

- (a) One non-illuminated or illuminated sign (either fascia sign or free standing) per lot not exceeding 1.9 square meters in display area indicating the name of the owner or occupant of the building on the lot and/or the use of the building on the lot;
- (b) On church property, one church bulletin board not exceeding 1.1 square meters of display area may be erected and located not closer than 3 meters to any street line; and
- (c) One Read-O-Graph sign per lot provided that the display area does not exceed 1.5 square meters in area.

(4.) Commercial Zones

- (a) In addition to the other permitted signs in Commercial Zones, stationary awnings are permitted in all commercial zones and may contain one sign identifying the business on the lot. Stationary awnings may project a maximum of 30 inches over any municipal street and shall be a minimum of 2.1 meters above the grade of the land immediately below such awning.
- (b) In Commercial SC and DC Zones the following signs only shall be permitted:
 - (1) One non-illuminated or illuminated fascia sign per business indicating the name and/or the use of the business;
 - (2) A maximum of one non-illuminated or illuminated free-standing sign per lot indicating the name of the mall (or facility) and/or the business or businesses on such lot provided that the sign is no closer than 1.5 meters to any street line and in no case shall the sign obstruct the vision of drivers of motor vehicles on a highway; and
 - (3) One Read-O-Graph sign per lot providing that the display area of the Read-O-Graph sign does not exceed 3.7 square meters in area.
 - (4) Despite the provisions of Section 14 (4) (a) and (b) above in Commercial, SC and DC Zones the maximum number of signs (whether stationary awnings, fascia, free standing or Sandwich Board Signs) that may be erected or displayed by or on behalf of any business shall be three.
 - (5) Sandwich Board Signs shall be permitted in the SC and DC zones provided that all of the following conditions are met:
 - (i) A permit issued for a Sandwich Board Sign shall expire on the same date as the expiry date of the Certificate of Insurance that is provided pursuant to Section 14 (4) (b) (5) (v) of this By-

- law. Permits for Sandwich Board Signs shall be renewed annually on or before the said expiration date of the Certificate of Insurance regardless of whether the Sandwich Board Sign is to be displayed for the entire year or any part thereof;
- (ii) A maximum of one Sandwich Board Sign per business shall be permitted;
 - (iii) The maximum size of the display area of a Sandwich Board Sign is .9 meters wide by .9 meters high;
 - (iv) The location of a Sandwich Board Sign is restricted to an area within .6 meters of the front of the building in which the business is located or on a boulevard adjacent to such business. If a Sandwich Board Sign is to be located on a boulevard, it shall not be located within any sight-triangle as prescribed by the Corporation's Zoning By-law nor shall it be greater than .8 meters in height above the existing ground level of the boulevard measured at the base of the sign;
 - (v) The Sandwich Board Sign owner shall provide to the Chief Building Official a certificate from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Corporation that the owner of the sign has public liability and property damage insurance in a minimum amount of one million (\$1,000,000.00) dollars and that the Corporation is shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy; and
 - (vi) The sign owner shall provide to the Chief Building Official a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against any and all actions, causes of action, losses, damages, suits, judgments, orders, awards, claims, costs and demands.
- (6) Despite the provisions of Section 14 (4) (b) of this By-law, automobile service stations and public garages shall be permitted to erect only the following signs:
- (i) one free standing sign on each street frontage of the automobile service station or public garage indicating the name of the occupant and the lot or the use of the lot;
 - (ii) not more than two single faced or one double faced Sandwich Board Signs for the posting of copy provided that the display area of each such sign shall be .9 meters wide by .9 meters high and each such sign shall be mounted on a permanently fixed based and no such sign shall be located within 1.5 meters of any street line; and
 - (iii) the following signs permanently affixed to the building of structure erected upon the lot:
 - identification sign, "wash and/or lubrication" sign, lessee identification signs, licensed mechanic signs, restroom signs, temporary promotional banners or similar advertising devices provided they are fixed to the building or structure erected upon the lot to any pump island that may be located on the lot.

- (c) In Commercial NC Zones the following signs only shall be permitted:
- (1) One non-illuminated or illuminated fascia sign per business indicating the name and/or the use of the business.
 - (2) Sandwich Board Signs shall be permitted in the NC zone provided that all of the following conditions are met:
 - (i) A permit issued for a Sandwich Board Sign shall expire on the same date as the expiry date of the Certificate of Insurance that is provided pursuant to Sec. 14 (4) (c) (2) (v) of this By-law. Permits for Sandwich Board Signs shall be renewed annually on or before the said expiration date of the Certificate of Insurance regardless of whether the Sandwich Board Sign is to be displayed for the entire year or any part thereof;
 - (ii) A maximum of one Sandwich Board Sign per business shall be permitted;
 - (iii) The maximum size of the display area of a Sandwich Board Sign is .9 meters wide by .9 meters high;
 - (iv) The location of the Sandwich Board Sign is restricted to an area within .6 meters of the front of the building in which the business is located or on a boulevard adjacent to such business. If a Sandwich Board Sign is to be located on a boulevard, it shall not be located with any sight-triangle as prescribed by the Corporation's Zoning By-law nor shall it be greater than .8 meters in height above the existing ground level of the boulevard measured at the base of the sign;
 - (v) The Sandwich Board Sign owner shall provide to the Chief Building Official a certificate from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Corporation that the owner of the sign has public liability and property damage insurance in a minimum amount of one million (\$1,000,000.00) dollars and that the Corporation is shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy; and
 - (vi) The sign owner shall provide to the Chief Building Official a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against any and all actions, causes of action, losses, damages, suits, judgments, orders, awards, claims, costs and demands.
- (d) In Commercial MC Zones, the following signs only shall be permitted:
- (1) One non-illuminated or illuminated fascia sign or one free standing Sign per business indicating the name and/or the use of the business.
 - (2) The maximum allowable size of a fascia sign in a MC Zone shall be .6 square meters per lineal meter of store/office building frontage.
 - (3) The maximum allowable size of a Free-standing sign shall be 1.9 square meters with a maximum height of 2.4 meters measured from existing ground level at the base of such sign.
 - (4) In addition to the provisions of Sec. 14 (4) (d) Sandwich Board Signs are permitted on King and Division Streets within the Downtown

Business Improvement Area in addition to the other permitted signs in such areas provided that all of the following conditions are met:

- (i) A permit issued for a Sandwich Board Sign shall expire on the same date as the expiry date of the Certificate of Insurance, that is provided pursuant to Sec. 14 (4) (d) (4) (ii) of this By-law. Permits for Sandwich Board Signs shall be renewed annually on or before the said expiration date of the Certificate of Insurance regardless of whether the Sandwich Board Sign is to be displayed for the entire year or any part thereof.
- (ii) The Sandwich Board Sign owner provides to the Chief Building Official a certificate from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Corporation that the owner of the sign has public liability and property damage insurance in a minimum amount of one million (\$1,000,000.00) dollars and that the Corporation is shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days, notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy.
- (iii) The sign owner shall provide to the Chief Building Official a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against any and all actions, causes of action, losses, damages, suits, judgments, orders, awards, claims, costs and demands
- (iv) A maximum of one Sandwich Board Sign per business shall be permitted.
- (v) The maximum area of a Sandwich Board Sign is .6 meters wide by .9 meters high on each.
- (vi) The location of the Sandwich Board Sign is restricted to an area within .6 meters of the store/business front or abutting the curb in front of the store/business.
- (vii) Corporate colours and logos that are not on the approved Heritage Colour Palette are restricted to a maximum 10% of the area of a Sandwich Board Sign.
- (viii) A sticker displaying the expiry date (supplied with the permit) shall be affixed to the Sandwich Board Sign. Despite the provisions of Sec. 13 any Sandwich Board Sign without a valid sticker will be removed immediately.

(5) Industrial Zone

- (a) In Industrial Zones the following signs only shall be permitted:
 - (i) One non-illuminated or illuminated fascia sign per place of business indicating the name of the business and/or the use of the premises;
 - (ii) On an industrial mall lot, one illuminated or illuminated free-standing sign indicating the name of the mall and tenants located not closer than 1.5 meters to any street line, and in no case shall the sign obstruct the vision of vehicular traffic; and
 - (iii) One Read-O-Graph sign having a display area of not more than 3.7 square meters may be installed on any lot located in the industrial zone.

(b) Sandwich Board Signs are permitted in CM Zones provided that all of the following conditions are met:

- (i) A permit issued for a Sandwich Board Sign shall expire on the same date as the expiry date of the Certificate of Insurance that is provided pursuant to Sec. 14 (5) (b) (v) of this By-law. Permits for Sandwich Board Signs shall be renewed annually on or before the said expiration date of the Certificate of Insurance regardless of whether the Sandwich Board Sign is to be displayed for the entire year or any part thereof;
- (ii) A maximum of one Sandwich Board Sign per business or industry shall be permitted;
- (iii) The maximum size of the display area of a Sandwich Board Sign is .9 meters wide by .9 meters high;
- (iv) The location of the Sandwich Board Sign is restricted to an area within .6 meters of the front of the building in which the industry or business is located or on a boulevard adjacent to such industry or business. If a Sandwich Board Sign is to be located on a boulevard, it shall not be located within any sight triangle as prescribed by the Corporation's Zoning By-law nor shall it be greater than .8 meters in height above the existing ground level of the boulevard measured at the base of the sign;
- (v) The Sandwich Board Sign owner shall provide to the Chief Building Official a certificate from an insurance company duly authorized to underwrite insurance in the Province of Ontario certifying to the Corporation that the owner of the sign has public liability and property damage insurance in a minimum amount of one million (\$1,000,000.00) dollars and that the Corporation is shown as an additional insured on such policy. The certificate shall also certify that the policy provides that a minimum of 30 days notice must be given to the Corporation prior to any alteration, revocation or termination of the said policy; and
- (vi) The sign owner shall provide to the Chief Building Official a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against any and all actions, causes of action, losses, damages, suits, judgments, orders, awards, claims, costs and demands.

(6) Development and Rural Zones

In the Development and Rural Zones, the following signs only shall be permitted;

- (a) One non-illuminated free standing sign, not exceeding 1.4 square meters in area, indicating the name of the owner or occupant of the lot and/or the use of the lot.

(7) Heritage Conservation District

Within the Commercial Core of the Heritage Conservation District, the following additional requirements shall apply to any business:

- (a) Upon the termination or cessation of the operation of any business, the owner of the lot upon which such business was located, shall, at the owner's expense, forthwith remove all signs for such business, failing which the provisions of Sec. 13 of this By-law shall apply.
- (b) The illumination of permitted signs shall be by the following means only:

- (i) traditional hooded spot lights;
- (ii) lighting recessed in an architectural feature; or
- (iii) lighting concealed within relief lettering (which lettering shall not project more than .10 meters from the main wall of the building) which shall illuminate the background panel.

BACK LIT OR INTERNALLY LIT SIGNS SHALL NOT BE PERMITTED.

- (c) Signs shall be restricted to the historical horizontal signage band located above the store front and to lettering painted on the display windows and store front door.
- (d) Where a fascia sign band does not exist, signs may be situated in other locations if there is a historical precedent in that location.
- (e) The display of banners in Heritage Districts shall be permitted subject to the following provisions:
 - (i) Banners shall be restricted to one-half of the size for permanent signs permitted by this By-law;
 - (ii) The banners shall adhere to all other requirements of the Cobourg Heritage District Guidelines;
 - (iii) The banners shall adhere to the existing provisions of the Sign By-law for a portable sign;
 - (iv) The display of banners may be permitted for two non-consecutive four week periods with a minimum period of two weeks between the display of each banner; and
 - (v) The display of banners shall be limited to the ground floor of any building.
- (f) Despite the provisions of Section 16 of this By-law, any change to a sign in the Commercial Core of the Heritage Conservation District shall require a heritage permit.
- (g) The permits required by this By-law in the Commercial Core of the Heritage Conservation District shall be in addition to the permit required pursuant to the Corporation's By-law No. 118-91 as amended from time to time.
- (h) Despite the provisions of this By-law, no person shall place, install or attach a Read-O-Graph sign to any lot or building in the Heritage Conservation District.

SEC. 15 **ENTRY ON PREMISES**

The Chief Building Official or his assistants may, from time to time and at all reasonable hours, enter into and upon any premises upon which a marquee, sign or other advertising device is erected or placed for the purpose of inspection same.

SEC. 16 **APPLICABILITY OF BY-LAW**

This By-law shall not apply to a sign or other advertising device that was lawfully erected or displayed on the day that this By-law comes into force so long as the sign or other advertising device is not substantially altered and the maintenance and repair of a sign or other advertising device or change in the message displayed thereon shall be deemed not in itself to constitute an alteration.

SEC. 17 **HOLD HARMLESS**

The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting, placing or owning any sign, marquee or other advertising device for personal injury or property damage resulting from the placing of such sign, marquee or other advertising device or resulting from the negligence or willful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign or other advertising device; nor shall any responsibility or liability be imposed on the Corporation or its Officers or Employees by reason of the approval of any signs, materials or other advertising devices under the provisions of this By-law.

SEC. 18 **OFFENCES AND FINES**

Every person who contravenes any provision of this By-law shall be deemed to be guilty of an offence and upon conviction shall be liable to such fines as may be provided for by the Provincial Offences Act, R.S.O., 1990, c.P-33 as amended. Each day in which a contravention of this By-law is continued or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder. Prosecution under the provisions of the Provincial Offences Act shall not operate as a bar to the Corporation from recovering any arrears for permit fees or to pursuing any other remedies available to it.

SEC. 19 **ZONING BY-LAWS/CONFLICT**

This By-law shall be construed as being in addition to the provisions of the Corporation's Zoning By-laws applicable to the lands affected and in the case of any conflict between this By-law and the Zoning By-laws, the most restrictive by-law provision shall apply.

SEC. 20 **SEVERABILITY**

If any provision or requirement of this By-law or the application thereof to any person shall to any extent to be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

SEC. 21 **REPEAL**

By-law Number 065-2008 and any and all amendments thereto shall be and the same are hereby repealed.

SEC. 22

The Council of the Corporation may, upon the application of any person, authorize minor variances from the provisions of this By-law if in the sole and absolute opinion of the Council the general intent and purpose of this By-law is maintained.


SEC. 23

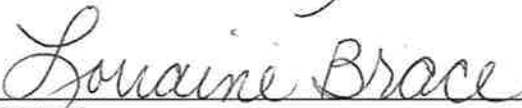
New Sandwich Board and Real Estate Signs shall comply with all requirements of this by-law. Existing signs shall be replaced to comply with all requirements of this by-law by January 01, 2011.

SEC. 24

This By-law shall come into force and take effect immediately on and after the final passing hereof.

READ A FIRST, SECOND AND THIRD TIME THIS 2nd DAY OF February 2009.


MAYOR


CLERK