



**BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN SIGNS AND OTHER ADVERTISING DEVICES AND TO REPEAL BY LAW NOS. 008-2009, 096-2012, 033-2014, AND 064-2015.**

**WHEREAS** subsection 11 (3) 7. of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides a municipality may pass a by-law regarding structures, including fences and signs; and

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

**NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:**

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## 1.0 Definitions

“**Animated Sign**” shall mean a sign with action or motion, flashing and/or colour changes.

“**Boulevard**” shall mean “Boulevard” as defined in the Boulevard By-law.

“**Banner Sign**” shall mean a temporary sign made of vinyl, cloth, canvas, or other pliable material, and includes a sign that is supported by one or more poles or standards but shall not include a flag or banner employed for artistic design purposes.

“**Business**” shall mean and include any commercial, professional or office based use or occupation.

“**Chief Building Official**” shall mean the person appointed by Council by By-law as the Chief Building Official pursuant to the provision of the Building Code Act, S.O. 1992, c.23 as amended or any successor legislation.

“**Corporation**” shall mean the Corporation of the Town of Cobourg.

“**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.

“**Director**” shall mean the Town’s Director, Municipal Law Enforcement and Licensing Services, or his or her designate.

“**Fascia Sign**” shall mean any sign or display attached to or painted across the exterior surface of a building or any part thereof.

“**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.

**“Heritage Conservation District”** shall mean the area within the Town of Cobourg designated as being the Heritage Conservation District in the Heritage Permit By-law.

**“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.

**“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.

**“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.

**“Law Enforcement Officer”** shall mean:

- (1) a Police Officer appointed pursuant to the Police Services Act, R.S.O. 1990, Chapter P.15, as amended from time to time;
- (2) a Municipal Law Enforcement Officer appointed pursuant to either the Municipal Act, 2001, as amended from time to time, or pursuant to the Police Services Act. R.S.O. 1990, Chapter P.15, as amended from time to time;
- (3) Chief Building Official appointed or consulted under the Building Code Act, 1992, as amended from time to time;
- (4) Building Inspector appointed under the Building Code Act, 1992, as amended from time to time;
- (5) Fire Inspector, the Fire Marshal, an assistant to the Fire Marshall or a Fire Chief for the purposes of the Fire Protection and Prevention Act, 1997, c.4 as amended from time to time; and
- (6) A Property Standards Officer appointed under the Building Code Act, 1992, as amended from time to time.

**“Lot”** shall mean the total horizontal area of land describe within a registered deed or other document legally describing the property limits of such lands.

**“Manager”** shall mean the person from time to time performing the functions of the Town’s Manager, Municipal Law Enforcement and Licensing Services or his or her designate.

**“Owner”** shall mean the person or persons shown on the Land Registry Office record the records of the land at the registry office, or Municipal tax roll, as having title to the land or responsibility for it, as well as the tenant and person or persons lawfully in possession of, or exercising control over, the property.

**“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.

**“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.

**“Read-O-Graph Sign”** shall mean 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.

**“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.

**“Roof Sign”** shall mean 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.

**“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.

**“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 or good, services or things or identifies goods, services or things for sale in such a way as to be visible to the public.

**“Sign Structure”** shall mean those parts of a sign consisting of the supports or framework for the support of the sign.

**“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.

**“Utility Pole/Fixture Poster Sign”** shall mean posters, notices, handbills and paper advertisements which are posted on a utility pole or fixture located on a Town Street, advertising or promoting an event or activity.

## **2.0 Applications**

- 2.1 All applications for permits involving a Free Standing Sign or a Roof Sign 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.

- 2.2 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:
- (1) A scaled block plan, showing the street liens 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
  - (2) Complete plans and specifications covering the construction of the sign or other advertising device and its supporting framework including the sign structure.
  - (3) 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.
- 2.3 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, suites, judgements, orders, awards, claim costs and demands that may arise as a result of installation of the awning or fascia display.
- 2.4 All applications for permits involving signs other than a Free Standing Sign or a Roof Sign pursuant to the provisions of this By-law shall be made to the Manager, Municipal Law Enforcement and Licensing or their designate and the Manager Municipal Law Enforcement and Licensing or their designate 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.

### **3.0 Applicable Fees**

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

#### **4.0 Issuance Of Permit**

- 4.1 The Chief Building Official may issue a permit for the erection of a Free Standing or a Roof 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
  - (4) The Manager Municipal Law Enforcement and Licensing or their designate may issue a permit for any sign other than a Free Standing Sign or Roof Sign when
  - (5) The Manager Municipal Law Enforcement and Licensing or their designate has approved the application
  - (6) All applicable fees have been paid in full; and
  - (7) Requirements of this By-law have been complied with.

#### **5.0 General**

- 5.1 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.
- 5.2 Any sign or advertising that is erected, placed or displayed on property or which identifies a business, owner, or person shall be deemed to have been erected, placed or displayed by the property owner, business, owner or person unless proven to the contrary on a balance of probabilities, the onus of which proof lies on the property owner, Business, Owner or Person.
- 5.3 The provisions of this By-law shall not apply to:
- (1) any signs, bills, posters or placards erected or placed by the Corporation;
  - (2) 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;
  - (3) signs in the interior of buildings, whether they can be seen from the outside or not, and window painted signs; or
  - (4) incidental signs.
- 5.4 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.
- 5.5 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.

- 5.6 No banner, stringer or advertising device shall be suspended across any street or any part thereof without the prior written approval of the Director, Municipal Law Enforcement and Licensing Services. A Street or Road Occupation Permit shall be obtained from the Engineering Department 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.
- 5.7 Except for Real Estate Development Signs and Sandwich Board Signs which have been authorized by the Manager, Municipal Law Enforcement and Licensing Services pursuant to the provisions of this By-law, no sign other than a permitted lawn sign, 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 the Manager, Municipal Law Enforcement and Licensing Services.
- 5.8 Notwithstanding the provisions of s. 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.
- 5.9 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.
- 5.10 No person shall erect or place Animated Signs on any lot within the Corporation.
- 5.11 Directional Signs in any off-street parking area shall not exceed 1.1 square meters in an 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.

## **6.0 Fascia Signs**

- 6.1 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.
- 6.2 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 Manager, Municipal Law Enforcement and Licensing Services 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.
- 6.3 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 not be less than 3 meters.

## **7.0 Roof Signs**

- 7.1 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 and approved by the Chief Building Official or their designate.

## **8.0 Portable Signs**

- 8.1 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.
- 8.2 Despite the provisions of s. 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 the Heritage Permit By-law, 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.
- 8.3 Every permit issued for a portable sign pursuant to this By-law shall be issued for a single period of not more than thirty (30) days and no business shall be issued more than ten (10) portable sign permits in any calendar year.



- 8.4 Despite any provisions of this By-law to the contrary:
- (1) A maximum of one portable sign shall be permitted to be displayed on any lot at one time except as provided in s. 8.5 of this By-law;
  - (2) 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;
  - (3) 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; and
  - (4) Businesses sharing a common store front shall be considered as a single business for purposes of s. 8 of this By-law.
- 8.5 Despite the provisions of s. 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 the number of portable signs which 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 fifteen meters (15 meters) and shall comply with all of the other requirements of this By-law.
- 8.6 Despite the provisions of s. 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 at a location approved by the Manager, Municipal Law Enforcement Services for its own purpose for a maximum of thirty (30) consecutive days.
- 8.7 The maximum size of the display area of any portable sign shall be 4.6 square meters on each side.
- 8.8 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.
- 8.9 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 s. 13 of this By-law.
- 8.10 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.
- 8.11 Despite anything contained in the By-law, no person shall place a portable sign on any lot that contains a Read-O-Graph sign.

8.12 In addition to the other requirements of this By-law, where an applicant for a permit for a Portable Sign requests permission to place such sign 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 said policy.

## **9.0 Real Estate Development Signs**

9.1 No person shall place or display or permit to be placed on 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.

9.2 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 s. 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 is to be displayed for the entire year or any part thereof.

9.3 In addition to the other requirements of this By-law, where an applicant for a permit for a Real Estate Development Sign request 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 said policy.

9.4 In addition to the other requirements of s. 9.0 the sign owner shall provide the Corporation 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, suites, judgments, orders, awards, claims, costs and demands.

9.5 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.

9.6 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.

- 9.7 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 Corporation.
- 9.8 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.
- 9.9 No person shall place a Real Estate Development Sign within any “sight triangle” as defined by the Corporation by By-law or Resolution.

#### **10.0 Free Standing Signs**

- 10.1 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.
- 10.2 Supports for free standing signs shall be located on private property only.
- 10.3 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.

#### **11.0 Other Types Of Signs**

- 11.1 Despite the provisions of s. 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 Director, Municipal Law Enforcement and Licensing Services may grant an extension for a maximum of one additional year.
- 11.2 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.
- 11.3 Despite the provisions of s. 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 issuance of a permit for such sign, but the Director Municipal Law Enforcement and Licensing Services may grant an extension for a maximum of one additional year.

- 11.4 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 meters in area.
- 11.5 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.
- 11.6 No person shall erect or display, or cause to be erected or displayed a Banner Sign except in compliance with the provisions of this Subsection.
- (1) Except as provided in ss. 11.6 (2) one Banner Sign shall be permitted per street line per lot at any one time.
  - (2) Two Banner signs shall be permitted for each street line which exceeds 120 meters.
  - (3) Banner signs on the same lot shall be separated by not less than 15 meters.
  - (4) Every Banner Sign shall be removed within 30 days of placement.
  - (5) The maximum number of times a Banner Sign may be placed on each Street line on a lot per year is four.
  - (6) No Banner Sign shall exceed 8.0m in sign height unless otherwise specified.
  - (7) Banner Signs shall have a minimum setback from the STREET LINE of 1.0m, unless otherwise specified.
  - (8) In addition to the other requirements of this By-law, where an applicant for a permit for a Banner Sign requests permission to place such sign 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 said policy.

## **12.0 Maintenance**

- 12.1 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.

## **13.0 Removal Of Signs**

- 13.1 Law Enforcement Officers 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.

13.2 The remedies provided in s. 13.0 are in addition to any other remedy available to the Corporation.

13.3 Neither a Law Enforcement Officer, 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 Law Enforcement Officer or Chief Building Official in accordance with the provisions of this By-law.

#### **14.0 Additional Sign Requirements for Defined Areas**

14.1 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 Zoning By-law of the Corporation of the Town of Cobourg.

##### **14.1.1 Open Space and Environmental Constraint Zone**

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

- (1) 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.

##### **14.1.2 Residential Zones**

In Residential Zones the following signs only shall be permitted:

- (1) 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;
- (2) 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
- (3) Up to two non-illuminated or illuminated fascia signs not exceeding 1.1 square meters in area, indicated the name of the Public or Institutional use of the lot, where applicable.

### 14.1.3 Institutional Zone

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

- (1) One non-illuminated or illuminated sign (either fascia sign or free standing) on each side of a building or structure 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;
- (2) 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
- (3) One Read-O-Graph sign per lot provide that the display area does not exceed 1.5 square meters in area.

### 14.1.4 Commercial Zones

- (1) 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.
- (2) In Commercial SC and DC Zones, the following signs only shall be permitted:
  - (i) One non-illuminated or illuminated fascia sign per business on each side of building or structure indicating the name and/or the use of the business.
  - (ii) A maximum of one non-illuminated or illuminated free-standing sign per lot indicated the name of the mall (or facility) and/or the business or businesses on such lot provide 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.
  - (iii) 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 areas.
  - (iv) Despite the provisions of ss. 14.1.4 (1) and (2) 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 display by or on behalf of any business shall be three.
  - (v) Sandwich Board Signs shall be permitted in SC and DC zones provided that all of the following conditions are met:
    - (a) 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 ss. 14.1.4 (2) (v) (e) 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;
    - (b) a maximum of one Sandwich Board Sign per business shall be permitted;

- (c) The maximum size of the display area of a Sandwich Board Sign is .9 meters wide by .9 meters high;
  - (d) 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 located on a boulevard, it shall not be located within any sight-triangles 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;
  - (e) the Sandwich Board Sign owner shall provide to the Manager Municipal Law Enforcement and Licensing Services 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 Dollars (\$1,000,000.00) 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
  - (f) the sign owner shall provide to the Manager Municipal Law Enforcement and Licensing Services 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, suites, judgements, orders, awards, claims, costs and demands.
- (vi) Despite the provisions of ss. 14.1.4 (2) of this By-law, automobile service stations and public garages shall be permitted to erect only the following signs:
- (a) 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;
  - (b) not more than two single faced or one double faced Sandwich Board Signs for the posting of copy provide 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
  - (c) the following signs permanently affixed to the building or structure erected upon the lot: Identification sign, wash and/or lubrication sign, lessee identification sign, licensed mechanic sign, restroom sign, temporary promotional banner or similar advertising device provided they are fixed to the building or structure erected upon the lot to any pump island that may be located on the lot.
- (3) In Commercial NC Zones the following signs only shall be permitted:
- (i) one non-illuminated or illuminated fascia sign per business indicating the name and/or the use of the business.

- (ii) Sandwich Board Signs shall be permitted in the NC zone provide that all of the following conditions are met:
  - (a) 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 ss. 14.1.4 (3) (ii) (e) 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;
  - (b) A maximum of one Sandwich Board Sign per business shall be permitted;
  - (c) The Maximum size of the display area of a Sandwich Board Sign is .9 meters wide by .9 meters high;
  - (d) 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;
  - (e) The Sandwich Board Sign owner shall provide the Manager, Municipal Law Enforcement and Licensing Services 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 Dollars (\$1,000,000.00) 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
  - (f) The sign owner shall provide to the Manager, Municipal Law Enforcement and Licensing Services a written agreement to indemnify the Corporation (in a form and with wording satisfactory to the Corporation) against ant and all actions, causes of action, losses, damages, suites, judgements, orders, awards, claims, costs and demands.
- (4) In Commercial MC Zones, the following signs only shall be permitted:
  - (i) One non-illuminated or illuminate fascia sign or one free standing sign per business indicating the name and/or the use of the business.
  - (ii) 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.
  - (iii) 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.



- (iv) In addition to the provisions of ss. 14.1.4 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:
- (a) 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 provide pursuant to ss. 14.1.4 (4) (iv) (b) 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;
  - (b) The Sandwich Board Sign owner shall provide the Manager, Municipal Law Enforcement and Licensing 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 Dollars (\$1,000,000.00) 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;
  - (c) The sign owner shall provide to the Manager, Municipal Law Enforcement and Licensing 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, suites, judgements, orders, awards, claims, costs and demands;
  - (d) A maximum of one Sandwich Board Sign per business shall be permitted;
  - (e) The maximum area of a Sandwich Board Sign is .6 meters wide by .9 meters high on each;
  - (f) 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;
  - (g) Corporate colours and logos that are not on the approved Heritage Colour Palette are restricted to a maximum of 10% of the area of a Sandwich Board Sign; and
  - (h) A sticker displaying the expiry date (supplied with the permit) shall be affixed to the Sandwich Board Sign. Despite the provisions of s. 13.0 any Sandwich Board Sign without a valid sticker will be removed immediately.

#### **14.1.5 Industrial Zone**

- (1) In Industrial Zones the following signs only shall be permitted
  - (i) One non-illuminated or illuminate fascia sign per business indicating the name of the business and/or the use of the business.

- (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.
  - (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.
- (2) 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 provide pursuant to ss. 14.1.5 (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 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 sigh triangle as prescribed by the Corporation's Zoning By-law or 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 the Manager, Municipal Law Enforcement and Licensing Services 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 Dollars (\$1,000,000.00) 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.
  - (vi) The sign owner shall provide to the Manager, Municipal Law Enforcement and Licensing 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, suites, judgements, orders, awards, claims, costs and demands.

#### **14.1.6 Development and Rural Zones**

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

- (1) 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.

#### 14.1.7 Heritage Conservation District

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

- (1) 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 s.13 of this By-law shall apply.
- (2) The illumination of permitted signs shall be by the following means only:
  - (i) Traditional hooded spot lights.
  - (ii) Lighting recessed in an architectural feature.
  - (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.
  - (iv) Back lit or internally lit signs shall not be permitted.
  - (v) 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.
  - (vi) Where a fascia sign band does not exist, signs may be situated in other locations if there is a historical precedent in that location.
  - (vii) The display of banners in Heritage Districts shall be permitted subject to the following provisions:
    - (a) Banners shall be restricted to one-half of the size for permanent signs permitted by this By-law;
    - (b) The banners shall adhere to all other requirements of the Cobourg Heritage District Guidelines;
    - (c) The banners shall adhere to the existing provisions of the Sign By-Law for a portable sign;
    - (d) 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;
    - (e) The display of banners shall be limited to the ground floor of any building;
    - (f) Despite the provisions of s. 16 of the 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 Heritage Permit By-law; and
    - (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.

## **15.0 Entry on Premises**

15.1 A Law Enforcement Officer acting under this By-law may, at any reasonable time, enter and inspect any property, to determine any one or both of the following:

- (1) whether there is compliance with this By-law; and
- (2) whether there is compliance with any order made under this Bylaw.

## **16.0 Work Order**

16.1 Where an Officer is satisfied that an Owner has failed to comply with any provision of this By-law, the Officer may make a Work Order requiring the Person, Owner or Occupier who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention or to discontinue the contravening activity.

16.2 A Work Order shall set out:

- (1) reasonable particulars of the contravention adequate to identify the contravention; and
- (2) the work to be done and the date by which the work must be done.

## **17.0 Service**

17.1 Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- (1) on the date a copy is personally delivered to the Person to whom it is addressed
- (2) on the third (3rd) day after a copy is sent by regular mail or by registered mail to the Person's last known address
- (3) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number
- (4) upon sending a copy by e-mail transmission to the Person's last known e-mail address
- (5) upon a copy being posted on the door of any building or structure on the Person's last known Premises or, where no building or structure exists, on a stake erected by the Officer on the Person's last known Premises; or
- (6) on the date a copy is placed on or affixed in any manner to a Person's motor vehicle.

## **18.0 Applicability of By-Law**

18.1 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.

## **19.0 Revocation, Termination, and Suspension**

- 19.1 The Manager, Municipal Law Enforcement and Licensing may refuse to issue or renew, suspend, revoke, or terminate any Permit issued under this By-law, and/or may issue a Permit subject to conditions, in the Manager's sole discretion.
- 19.2 The Manager may exercise his or her discretion pursuant to ss. 19.1 on the basis of any of the following:
- (1) the breach by an Applicant or Licensee of any by-law of the Corporation, including this By-law or law of Ontario or Canada;
  - (2) the failure of an Applicant or Licensee to meet, at any time, any of the requirements of this By-law or any conditions imposed on a Permit;
  - (3) the submission of false information filed in support of an Application for, or renewal of, a Permit;
  - (4) the protection of the health or safety of any Person;
  - (5) the control or abatement of nuisance;
  - (6) the protection of consumers;
  - (7) the issuance of the Permit or renewal of the Permit would be contrary to the public interest or would contravene any of the provisions of this By-law;
  - (8) the applicant is indebted to the Corporation in respect of fines, penalties, judgments or any other amounts owing, including awards of legal costs and disbursements and including outstanding property taxes and late payment charges against all properties owned by the applicant in any capacity (legally, beneficially or otherwise)and, where the applicant is a corporation, against all properties owned by an officer, or shareholder of the applicant, where such amounts outstanding are, cumulatively, \$10,000 or more;
  - (9) notwithstanding ss. 19.2 (8), the applicant is indebted to the Corporation in respect of an administrative penalty imposed pursuant to s. 20; or
  - (10) the Applicant or Licensee fails to maintain the insurance as required by this By-law.

## **20.0 Exemptions**

- 20.1 The Director may exempt any person from all or any part of the Sign By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of the By-law.
- 20.2 The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director.
- 20.3 Where a person is denied an exemption by the Director or is dissatisfied with any condition imposed by the Director in relation to an exemption, the person may request a review by the Hearings Officer of the Director's denial or condition in accordance with the following:
- (1) The person's right to request a review expires on the tenth (10th) day after notice of the Director's decision is given to the person at which time the Director's decision is final and not subject to review.

- (2) The hearing of the review request under ss. 20.3 (1) shall not be scheduled until the person has paid the fee from time to time prescribed by the Fees and Charges By-law.
- (3) The person shall be given seven (7) days' notice of the date, time and place of the hearing of the review request under ss. 20.3 (1).
- (4) The Hearings Officer shall not make a determination with respect to a review request under ss. 20.3 (1) unless the Hearings Officer has given each of the person and the Director an opportunity to be heard.
- (5) The Hearings Officer may affirm the Director's decision or, alternatively, may exempt the person from all or any part of the Sign By-law where the Hearings Officer is satisfied that affirming the Director's decision or granting an exemption would maintain the general intent and purpose of the Sign By-law.
- (6) The Hearings Officer may impose such conditions as the Hearings Officer determines are appropriate in relation to an exemption granted by the Hearings Officer.
- (7) The decision of a Hearings Officer and any condition imposed by the Hearings Officer in relation to an exemption granted by the Hearings Officer are final and not subject to review.

#### **21.0 Hold Harmless**

- 21.1 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 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.

#### **22.0 Offences And Fines**

- 22.1 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.

#### **23.0 Penalty**

- 23.1 Administrative Penalty Process By-law 079-2022 applies to each administrative penalty issued pursuant to this By-law.
- 23.2 Each Person who contravenes any provision of this By-law or fails to comply with an Order issued in accordance with this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 079-2022, be liable to pay to the Corporation an administrative penalty in the amount of:
  - (1) \$175 for the remainder of the first day on which the contravention occurs; and

(2) \$275 for each subsequent day on which the contravention continues.

23.3 No Person shall fail to comply with any provision or standard of this By-law.

23.4 No Person shall fail to comply with a Work Order issued pursuant to this By-law.

#### **24.0 Zoning By-Law Conflict**

24.1 This By-law shall be construed as being in addition to the provisions of The Zoning Bylaw of the Corporation of the Town of Cobourg, applicable to the lands affected and in the case of any conflict between this By-law and The Zoning Bylaw of the Corporation of the Town of Cobourg, the most restricted by-law provision shall apply.

#### **25.0 Severability**

25.1 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.

#### **26.0 Repeal**

26.1 By-law Nos. 008-2009, 096-2012, 033-2014, and 064-2015 are hereby repealed

#### **27.0 Coming into Force**

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

#### **28.0 Short Title**

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

READ and finally passed in Open Council this 26<sup>th</sup> day of March, 2025.

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Lucas Cleveland, Mayor

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Brent Larmer, Clerk