

# THE CORPORATION OF THE TOWN OF GRAVENHURST BY-LAW 2023-31

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Being a By-law to Regulate the Erection of Signs and Other Advertising Devices Within the Town of Gravenhurst

**WHEREAS** the Council of the Town of Gravenhurst has deemed it necessary to develop a Sign By-law;

**AND WHEREAS** Section 11 of the *Municipal Act*, 2001, c. 25 as amended establishes (the "Act" provides that a lower-tier municipality may pass By-laws respecting matters within its spheres of jurisdiction;

**AND WHEREAS** Subsection 11 (3) 7 of the Act provides that municipalities may pass By-laws respecting structures, including fences and signs;

**AND WHEREAS** Section 391 of the Act provides that despite any Act, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons;

**AND WHEREAS** Section 425 of the *Municipal Act*, 2001, c. 25 as amended states a municipality may pass by-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an Offence;

**AND WHEREAS** Section 426 (1) of the *Municipal Act*, 2001, c. 25 as amended states that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

**AND WHEREAS** Section 429 (1) of the *Municipal Act*, 2001, c. 25 as amended states a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act, unless, under Section 429(4), if the provisions of any other Act, other than the *Provincial Offences Act*, provide for the fines for a contravention of a By-law of a municipality, the municipality cannot establish a system of fines under this section with respect to the By-law;

**AND WHEREAS** Section 429 of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

**AND WHEREAS** Section 434.1 (1) of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*.

**AND WHEREAS** Section 446 of the *Municipal Act*, 2001, c. 25 as amended states that if a municipality has the authority under this or any other Act, or under a By-law under this or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. For the purposes of subsection (1), the municipality may enter upon land at any reasonable time. The municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** the Town desires to preserve and improve Gravenhurst's Dark Sky and the

Torrance Barrens Dark Sky Reserve and has enacted the Dark Sky By-law to achieve this protection;

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

This by-law shall be known as the “**Sign By-Law**”.

**1.0 PURPOSE**

**1.1** The purpose of this By-law is to regulate signs in the Town of Gravenhurst by permitting signs that:

- Are appropriate in size, number and location;
- Provide reasonable and appropriate means for the public to locate and identify facilities, business, services and events without difficulty or confusion;
- Protect and enhance the aesthetic qualities and visual character of the Town and the District of Muskoka;
- Are consistent with the Town’s historical values and objectives;
- Do not create a distraction or safety hazard for pedestrians and motorists;
- Minimize adverse impacts on nearby properties;
- Balance the public’s right to expression with the purpose and intent of this By-law; and
- To acknowledge the need for accessibility necessities in the community, in the placement, height and location of signs, to make the community safe for all.

**2.0 DEFINITIONS**

**2.1 ABANDONED SIGN** means a sign located on a property that becomes vacant and/or unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event, business or purpose which no longer applies.

**2.2 ALTER** means, when used in reference to a sign structure; to change one or more external dimension and/or construction material, but shall not include the replacement of the face, painting, cleaning or other normal maintenance and repair of a sign, not involving structural or dimension changes.

**2.3 ANIMATED SIGN** means a sign with a sign face or faces that possess a video screen or any kinetic illusionary motion of all or a part of a sign, including rotations, or any sign which is manually displayed by an individual for the purpose of advertising or any sign that is projected on a display surface by electronic means, but does not include an electronic message board sign, flashing sign or strobe light.

**2.4 BACKLIT/BACKLIGHTING** means to illuminate from behind.

**2.5 BANNER** means a sign composed of lightweight, flexible material such as cloth, plastic, canvas, or other similar material, and which is mounted at each end to allow movement by atmospheric conditions.

- 2.6 BILLBOARD** means a sign that advertises or identifies a product or service available, or a business not conducted on the property where the sign is located, including:
- Classic/Bulletin billboard
  - Vinyl billboard
  - Painted billboard
  - Poster billboard
  - Internally or Externally Illuminated billboard
- 2.7 BLADE SIGN** means a type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.
- 2.8 BUILDING MOUNTED SIGN** means any sign attached to and supported by a wall of a building or attached to and supported by the face of a parapet of a building or which is painted on such wall, and includes a sign painted or mounted on a canopy or awning.
- 2.9 BUILDING INSPECTOR** means the person appointed by Council as a Building Inspector of the Town, as defined in the Ontario Building Code Act, 1996.
- 2.10 BUSINESS IMPROVEMENT AREA (BIA)** means the geographic boundary as set out in Schedule 'A' of this by-law and is required to follow the Community Improvement Plan Façade Guideline.
- 2.11 BY-LAW ENFORCEMENT OFFICER** means the person appointed by Council as a By-law Enforcement Officer for the Town.
- 2.12 CANOPY** means any structure which projects from the exterior face of a building wall and which may afford protection or shelter from the elements, also referred to as an awning but shall not include a deck, porch, or cantilevered building.
- 2.13 CHIEF BUILDING OFFICIAL** means the person appointed by council as the Chief Building Official as required under the Building Code Act, 1996 or their Designate.
- 2.14 COMMERCIAL SIGN** means a sign used to identify or name the business on the property in which the business is housed or located and is used solely to identify or name the business on the same property.
- 2.15 COMMUNITY SERVICE SIGN** means a sign on Town property, of a design approved by the Town, which informs the public of non-profit community services or programs such as, but not limited to, service clubs, block parents, neighbourhood watch associations, adopt-a-road, or adopt-a-park programs, and may provide identification of, or directional information to, community facilities such as churches, schools, libraries, hospitals, sports facilities, or other Town facilities.
- 2.16 CONTRACTOR'S IDENTIFICATION SIGN** means a sign identifying the contractor involved in the renovation, construction or demolition of a building or structure.
- 2.17 COPY** means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form.

- 2.18 COTTAGE ASSOCIATION SIGN** means a sign identifying the name of a cottage association.
- 2.19 DARK SKY COMPLIANT** means to comply with the Town of Gravenhurst Dark Sky By-law 2012-135.
- 2.20 DIRECTORY BOARD** means a sign devoted exclusively to the listing of occupants or tenants of a building or property.
- 2.21 DISREPAIR** means that the sign does not function for its intended purpose in that it is dilapidated, broken, or is missing components.
- 2.22 DISTRICT** means The District Municipality of Muskoka.
- 2.23 ELECTION SIGN** means any notice device which is used by, or on behalf of a political party or candidate for any Federal, Provincial or Municipal election.
- 2.24 ERECT** means the placing or installation of, arranging for the placing of, the renting of or the leasing of a sign.
- 2.25 FLAG SIGN** means a sign with commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a post, or pole and may be raised and lowered.
- 2.26 GARAGE SALE** means a sale of miscellaneous household goods, often held in the garage or front yard of someone's house lasting a maximum of two (2) days.
- 2.27 GRADE** means the average elevation of the finished surface of the ground adjacent to the sign but shall not include any artificial embankment or planter box.
- 2.28 GROUND SIGN** means a freestanding, self-supported structures erected or supported from the ground containing one or more faces for sign or display purposes. A ground sign includes a pole sign.
- 2.29 HEIGHT** means the vertical distance measured from the grade to the highest point of the sign and includes any support structure.
- 2.30 HOME INDUSTRY** means a small-scale light industrial use, as set out in the Zoning By-law, as amended, that provides services or wares to the community, and which is an accessory use to a single detached dwelling. For the purposes of this By-law, the repairing of motor vehicles, mobile homes and trailers is not a home industry.
- 2.31 HOME OCCUPATION** means a gainful occupation conducted in a dwelling which is secondary to the use of the dwelling as a private residence and the nature and scope of which is compatible with the residential character of the dwelling as set out in the zoning by-law, as amended.

**2.32 ILLUMINATED SIGN** means lighting of the sign, in whole or in part, by artificial means and when used in reference to:

- a) **Internal Illumination** means lighting the sign face with a light source located within the sign.
- b) **External Illumination** means having a light source exterior to the sign and being focused on or directed at the sign, except from and/or lighted from the ground, as this means of illumination is strictly prohibited as set out in the Dark Sky's By-law and as defined in Section 2.19 of this By-law.
- c) **Flashing Illumination** means illumination that varies and is perceived to vary in intensity or design at periodic intervals.
- d) **Non-Illuminated** means the sign is not illuminated, neither externally nor internally.

**2.33 INCIDENTAL SIGN** means a sign of minor consequence and size. Without limiting the foregoing, incidental signs include flags, park bench, bag signs, wire frame signs, mailbox, newspaper box, bus shelter signs, a corner stone, holiday decorations, metal plaques, garage / yard sale signs and community gateway signs and:

- a) any sign which is part of equipment or display;
- b) signs affixed to or painted on boarding around a construction site; or
- c) an approved sign advertising a special event erected on Town fencing adjacent to a street by a charitable organization and having permission of the Town on which the fence is situated.

**2.34 LEGAL NON-CONFORMING** means where a sign was lawfully constructed on the date of the passing of this By-law.

**2.35 MAXIMUM SIGN AREA** means the total permitted area of one or all signs on a property.

**2.36 MENU BOARD SIGN** means a ground sign or wall sign devoted exclusively to signs commonly known as price menu boards, which display, in conjunction with a drive-through service, the pricing of a service or product provided or sold upon the premises on which it is situated.

**2.37 MOBILE SIGN** means a sign that can be readily moved from one location to another and may be part of or attached to a wheeled trailer or frame without wheels. A mobile sign requires a Sign permit.

**2.38 MUNICIPAL ROAD ALLOWANCE** means lands owned by the Town of Gravenhurst for road purposes.

- 2.39 MURAL** means a painting, illustration or decoration that is an expression of public art, applied directly on the exterior wall of a building or on a backing that is affixed to the exterior of the building, with the expressed consent of the property owner. A Mural is not a sign as defined by this By-law because such public art does not provide direction, identification, advertisement, business promotion or the promotion of a person, product, activity, service, event, or idea.
- 2.40 OBSOLETE SIGN** means a sign that advertises a business no longer being conducted or a product no longer being sold.
- 2.41 OFFICER** means Municipal Law Enforcement Officer, Building Inspector or Chief Building Official of the Town of Gravenhurst as appointed by By-law.
- 2.42 PERMIT FEE** means a sign permit fee as set out within the Towns' User Fees and Service Charges By-law as amended from time to time.
- 2.43 PERSONAL SIGN** means a sign or advertising device, which is located on a property, used for residential purposes, and is used for a personal announcement or congratulatory message.
- 2.44 POLE SIGN** any freestanding sign composed of a sign cabinet, backboard, frame or base and the sign pole, or poles by which it connects to the ground.
- 2.45 POSTER SIGN** means a type of advertising sign that is generally made of cardboard, plastic, fiberboard, paper, or similar flexible material and designed to be attached to the surface of a structure, building or post.
- 2.46 PRIVATE ROAD SIGNS** means a sign designating a non-public access road or joint use driveway that is owned by a private individual or group.
- 2.47 PYLON SIGN** means a free-standing vertical sign supported by permanent column(s) on a foundation in the ground that is not attached to any building or structure and used for the express purpose of identifying a business or plaza and includes a tenant directory sign.
- 2.48 REAL ESTATE SIGN** means a sign which advertises real property for sale, lease or development.
- 2.49 REPAIR AND MAINTENANCE** means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of the sign by removing or replacing worn out, missing, damaged or broken parts of less than 50% of the sign area.
- 2.50 ROOF SIGN** means any sign which is located on, supported by, or affixed to a roof or a parapet. A roof sign shall not include any sign erected on the wall of a penthouse or other like structure which projects above the roof of a building.
- 2.51 SANDWICH BOARD SIGN** means a freestanding sign placed on but not permanently



anchored in the ground, consisting of signs commonly referred to as A-frame, T-frame and sidewalk boards. Sandwich Board Signs may include a real estate sign but shall not mean or include any other sign defined in this By-law.

- 2.52 SIGN** Shall mean any sign or sign structure which is expressly designed for temporary or permanent placement or erection on a site which is constructed to support, carry, or display an area designed for the temporary placing of copy, letters, or messages.
- 2.53 SIGN PERMIT** means a permit issued by the Chief Building Official or their Designate, pursuant to the provisions of this By-law.
- 2.54 SIGN STRUCTURE** means the supports, uprights, bracing and/or framework of a sign.
- 2.55 SIGHT TRIANGLE** means a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them 15.0 metres from the point of intersection where Provincial highways, District roads or major Town roads are involved. In the case where two minor streets intersect, the maximum distance of the sides of the corner visibility triangle shall be 3.0 metres. For the purposes of this section, the categorization of the street being "major" or "minor" shall be at the discretion of the infrastructure Services Department.
- 2.56 SPECIAL EVENT SIGN** means a sign located, erected, or displayed temporarily on public/private property to advertise or promote a non-profit or community sponsored special event designed to promote involvement in community celebrations and other activities primarily by the local population of the Town.
- 2.57 SUBSTANTIALLY ALTERED** means to change the location, the structure and/or any external dimensions of a sign (inclusive of the sign becoming obsolete). This definition shall not include work to a lawfully erected sign that represents one or more of the following alterations:
- a) A change in the message to advertise goods or services;
  - b) The re-arrangement of numerals, letters or copy applied directly to the sign face, specifically designed, and intended to be periodically re- arranged; and/or
  - c) Maintenance and repair.
- 2.58 THIRD PARTY SIGN** means a sign located on a property or building that is advertising a business or product that is not sold on that property.
- 2.59 TOWN** means the Corporation of the Town of Gravenhurst
- 2.60 WALL SIGN** means any sign attached to and supported by a wall of a building or attached to and supported by the face of a parapet of a building, and includes a sign painted or mounted on a canopy or awning. Wall Signs also include those signs located on a gas island canopy of a motor vehicle service station.

**2.61 ZONE** means land as described within the Town of Gravenhurst Comprehensive Zoning By-law having a particular classification, characteristic, purpose, or use, or subject to particular restrictions.

**2.62 ZONING BY-LAW** means the Corporation of the Town of Gravenhurst Comprehensive Zoning By-law 2010-04, as amended from time to time.

### **3.0 GENERAL PROHIBITIONS**

**3.1** No person shall erect, locate, or display any sign:

- a) On private or public lands without having obtained a sign permit in accordance with the provisions of this by-law;
- b) Not in accordance with the approved plans and drawings submitted as part of the application;
- c) In a manner that is not in accordance with the requirements of this by-law, or the conditions of any variance granted under this By-law;
- d) A Prohibited Sign as listed in Section 4 of this By-law;
- e) Except as specifically permitted under this By-law, a sign which is on or overhangs Town property including any road allowance;
- f) A Sign that obstructs the view of a driver of a motor vehicle;
- g) A Sign that obstructs the visibility of any Traffic Sign or device, or where it interferes with vehicular traffic in a manner that could endanger any person;
- h) Except as specifically permitted in this By-law, a Sign on private property for which the advertisement is not directly related to the principal or ancillary use, as permitted under the Town's Zoning By-law; as amended from time to time and is carried on within a building located on the property for the purpose of facilitating the commencement of such use; or
- i) Illuminated Signs in the designated Business Improvement Area (BIA), except for External Illuminated Signs as set out in Section 2.32(b) and constructed as outlined in Section 6 of this By-law.

**3.2** No Person shall:

- a) Position light fixtures used to illuminate signs or billboards that do not comply with this By-law or the Town's Dark Sky By-law;
- b) When directed by the Chief Building Official or their Designate, fail to remove, alter, or repair a sign, which is not in compliance with this By-law;
- c) Leave a sign in the state of disrepair. Signs shall remain and be maintained in a safe



and aesthetically pleasing condition, as in the opinion of the Chief Building Official or their Designate; and/or

d) Place an Incidental Sign on Town Property.

**3.3** A person shall be deemed to be erecting, locating, or displaying a Sign if that person is a sign owner or a property owner and directs, permits, or fails to stop the erection, location or display of the Sign(s).

**3.4** The Sign owner shall notify the Town's Chief Building Official or their Designate, of the erection of any Sign pursuant to a permit, within fifteen (15) days after the Sign has been erected.

**3.5** No person shall erect, locate or display a Special Event Sign:

a) In a manner that is not in accordance with the requirements of this by-law, or the conditions of any variance granted under this By-law;

b) Without first obtaining a Permit from the Chief Building Officer or their Designate, as regulated under Section 7 of this By-law;

c) More than two (2) weeks prior to the approved event, or more than one (1) week following the commencement of the event;

d) Within a Site Triangle in any intersection;

e) Less than 0.5 Kilometers apart in any one driving direction; and

f) May be permitted on a Town road allowance only if a suitable and legal location beyond the Town road allowance isn't available.

#### **4.0 PROHIBITED SIGNS**

**4.1** The following Signs are prohibited under this By-law:

a) Abandoned or Obsolete Signs.

b) Incidental Signs located on Town property.

c) Roof Signs.

d) Flag Signs.

e) Signs attached to fencing.

f) Private or Public Property Signs or Flags including derogatory wording or obscenities.

## **5.0 SIGNS NOT REQUIRING A PERMIT**

- 5.1** Except for a Sign that is required to meet a setback from a street facing lot line or a property line or abutting properties, or unless otherwise set out within this By-law, the following Signs are exempt from requiring a Permit where:
- a) Signs erected by, or for, any Federal or Provincial government agency located on its own lands and used solely in conjunction with identification of the agency or its mandate;
  - b) A sign not exceeding 0.37 square metres in area indicating: no trespassing, safety, caution or any other regulatory sign, including entrance, exit, parking or traffic signs on private property;
  - c) A sign not exceeding 0.37 square metres in area, indicating the name and address of the owner or occupant of the premises on which the sign is located, or the name of the land or premises, or both. In a Commercial or Industrial zone, the sign area of municipal numbering on a wall shall not exceed 0.06 square metres;
  - d) A Real Estate Sign as defined under Section, 2.4B advertising the sale or lease or development of a building or property, provided that such a sign does not exceed 1.1 square metres in area and is on the property being sold, leased or developed;
  - e) A Contractor's Identification Sign as defined in Section 2.16, is constructed as per Section 6.2 and is located specifically on the property which is under construction;
  - f) Signs or lettering attached to or painted directly upon any vehicle, trailer or bicycle, provided such vehicle, trailer or bicycle is not being used mainly for sign purposes or being stored at any location where a mobile sign would otherwise not be permitted;
  - g) Signs having a maximum sign area of 3.3 square metres per face, advertising the sale of seasonal produce. Such sign may be a Sandwich Board Sign as defined in Section 2.51;
  - h) A Sign has a maximum sign area of 3.3 square metres per face advertising the sale of Christmas trees. Such sign may be a Sandwich Board Sign as defined in Section 2.51;
  - i) A Sandwich Board Sign as defined in section 2.51, is constructed as per Section 6.10 and located specifically to the referenced store front;
  - j) Election Signs as regulated under the Election Sign By-law;
  - k) Personal Signs as defined by Section 2.43, and is constructed, erected or placed as per Section 6.8;
  - l) Incidental Signs, as defined in Section 2.33, and constructed as per Section 6.5. Incidental Signs shall not be located on public property without the necessary approvals;

- m) Any regulatory signage or Municipal Sign placed in the event of an emergency; or
- n) Signs posted on a community information board.

**5.2** The exceptions provided in this Section do not prohibit any other Town Department or Government Authority from requiring a Permit or approval for any Sign pursuant to other legislation, regulations, or By-laws.

## **6.0 REGULATING SIGN SIZE, NUMBER, LOCATION and TYPE**

No person shall erect, display, alter, maintain or allow the erection, display, alteration or maintenance of any type of Sign listed below unless the Sign complies with the regulations and standards set out within this Section and any other provisions of this By-law.

### **6.1 BILLBOARD SIGN**

A Billboard Sign may only be permitted within Zones classified as Commercial, Industrial, or Limited Classification Zones. Billboards signs shall:

- a) Be Third Party Signs;
- b) Have a maximum Sign Height of 6 metres;
- c) Have a maximum Sign Area of 6.7 square metres;
- d) Maintain a street facing lot line setback equal to or more than the sign height, or as required by the authority having jurisdiction;
- e) Maintain a minimum distance of 2 Kilometres between other billboard signs; and
- f) Not be permitted on a lot less than 50 acres.

### **6.2 CONTRACTOR'S IDENTIFICATION SIGN**

A Contractors Identification Sign may be permitted on private property within all Zones. A Contractors Identification Sign shall:

- a) Not be permanently constructed in the ground;
- b) Not be attached to any other Sign structure;
- c) Have a maximum Sign area of 1.1 square metres per face;
- d) Have a maximum Sign Height of 1.2 metres;
- e) Be located on the property where the work is being performed;
- f) May be placed on the proposed construction property a maximum of seven (7)

days prior to the commencement of construction; and

g) Be removed within seven (7) days of the work being completed.

### **6.3 DIRECTORY BOARD SIGN**

A Directory Board Sign may only be permitted within Zones classified as Industrial, Commercial or Business and having a multi-user occupancy greater than five (5) tenants. Directory Board Signs shall:

- a) Have a maximum Sign Height of 4.5 metres;
- b) Have lettering that does not exceed 15 centimeters in Height;
- c) Not have more than two (2) Directory Board Signs located on a property; and
- d) Maintain a street facing lot line setback of 6 metres.

**6.3.1** If a Directory Board Sign is erected on the wall of a building, such Sign shall comply with the Wall Sign regulations as set out in Section 6.12 of this By-law.

### **6.4 GROUND SIGN**

A Ground Sign may be permitted within all Zones, except for a Residential Zone. Ground Signs may include Third- Party Signs. Ground Signs shall:

- a) Have a maximum Sign Height of 1.8 metres;
- b) Have a maximum Sign area of 6.7 square metres;
- c) Maintain a street facing lot line setback equal to or more than the Sign Height, or as required by the authority having jurisdiction;
- d) Have a minimum setback of 1.5 metres from the side or rear lot line;
- e) Maintain a minimum distance of a 150 metres between signs;
- f) Ground Signs measuring less than 1.2 metres measured from Grade at the intersection, may be permitted within a site triangle;
- g) Ground Signs measuring more than 1.2 metres measure from Grade at the intersection, shall not be permitted within a site triangle; and
- h) Not more than two (2) Ground Signs shall be located on any one (1) property.

### **6.5 INCIDENTAL SIGN**

Incidental Signs may be permitted within all Zones. Incidental Signs shall:

- a) Have a maximum dimension of 5 square metres;

- b) Have not more than two (2) Incidental Signs per property; and
- c) Be placed on private property, which does not including Town owned property.

**6.5.1** Where the Incidental Sign is a Garage Sale Sign, it shall be removed two (2) days concluding the Garage Sale.

## **6.6 MENU BOARD SIGN**

Menu Board Signs may only be permitted within Zones classified as Commercial or Business. Where a Menu Board Sign is installed:

- a) Not more than four (4) Menu Board Signs shall be permitted on a property;
- b) Shall have a maximum Height of 3 metres;
- c) Shall have a maximum Sign Area of 2.8 square metres;
- d) Shall maintain a minimum street facing lot line setback of 9 metres; and
- e) Shall be affixed to approved structures.

**6.6.1** If such Sign also constitutes a Ground Sign, it shall be setback as required in Section 6.4 of this By-law, but shall be exempt from maintaining a distance of 150 metres from any other Ground Sign.

**6.6.2** Where such Sign also constitutes a Wall Sign, such sign shall comply with all requirements of Section 6.12 of this By-law.

## **6.7 MOBILE SIGN**

Mobile Signs may only be permitted within Zones classified as Industrial, Institutional, or Commercial, or where approved by Council, Mobile Signs may be permitted as part of a Special Event Permit. A Mobile Sign Shall:

- a) Be located on the property for which the sign is being applied for, unless written permission from the landowner or business owner of an adjacent property is obtained prior to the erection of the Mobile Sign;
- b) Not be placed within a site triangle as defined with the Town of Gravenhurst Zoning By-law 2010-04;
- c) Not impede the view of or interfere with vehicle traffic;
- d) Have a maximum Height of 3.5 metres;
- e) Have a maximum Sign Area of 9.3 square metres;

- f) Not interfere with pedestrian traffic;
- g) Not be placed in a designated parking space;
- h) Where erected by the District, Town or their agencies, the Mobile Sign shall be located on their own lands, used solely in conjunction with their respective mandate and are subject to all regulations set out in this By-law;
- i) Be temporarily anchored to the ground, where possible, to prevent tipping, or dislocation;
- j) Have a maximum number of four (4) display periods within a calendar year. The maximum number of days within a display period shall be thirty (30) consecutive days, unless such display is incidental to a seasonal business and approved by the Chief Building Official or their Designate;
- k) Maintain a minimum distance of 15 metres from any other Mobile Sign(s);
- l) Not include animation, flashing or electronic messages; and
- m) Not contain strobe, flashing or intermittent flashing lights.

#### **6.8 PERSONAL SIGNS**

Personal Signs may only be permitted within Zones classified as Residential Zones. Personal Signs shall:

- a) Not exceed a maximum Height of 1.5 metres;
- b) Not exceed a maximum Sign Area of 1.1 square metres per face on a single sign board;
- c) Only be used for a personal announcement or congratulatory message; and
- d) Be located on the property for no longer than three (3) days.

#### **6.9 PYLON SIGN**

Pylon Signs may only be permitted within Zone classified as Industrial, Commercial, Business, Open Space and Limited. Pylon Signs may include a Third-Party Sign. Pylon Signs Shall:

- b) Have a maximum Height of 6 metres;
- c) Have a maximum width of 2.4 metres;
- d) Maintain a street facing lot line setback equal to or more than the sign height, or as per the authority having jurisdiction; and
- e) Maintain a minimum side or rear lot line setback of 1.5 metres.



## **6.10 SANDWICH BOARD SIGN**

A Sandwich Board Sign may only be permitted within the Commercial Core Zone and the Commercial Special Purpose Zone. Sandwich Board Signs shall:

- b) Have a maximum Height of 1 metre;
- c) Have a maximum width of 0.6 metres;
- d) Be professionally constructed of good quality materials;
- e) Be resistant to wind; and
- f) Permit for snow clearing, not be placed on any sidewalk earlier than April 1<sup>st</sup> of each year and removed no later than November 1<sup>st</sup> of each year.

**6.10.1** A Sandwich Board Sign must maintain the required accessible standards with regards to the placement and location of all signs.

**6.10.2** Unless otherwise permitted, not more than one (1) Sandwich Board Sign shall be placed per store front.

## **6.11 TRAFFIC DIRECTIONAL SIGNS**

**6.11.1** Traffic Directional Signs shall:

- a) Have a minimum Height of 1.5 metres from Grade; and
- b) Where located within a Site Triangle, have a Height equal to or less .9 metres from Grade.

**6.11.2** There shall be no limit to the number of traffic directional Signs permitted on a property; however, there shall not be more than two (2) such Signs per point of entry/egress of a property.

**6.11.3** A traffic directional Sign shall be confined to directing motor vehicle or pedestrian traffic and shall be restricted to such Signs as an "entrance" Sign, an "exit" Sign or a motor vehicle "parking" direction Sign. Not more than forty (40) percent of the Sign area per face shall be used for corporate or business identification purposes; and

**6.11.4** Maintain a street line setback of 1.5 metres; or as required by the authority having jurisdiction.

## **6.12 WALL SIGNS**

**6.12.1** Wall Signs may be permitted within all Zones. Wall Signs shall:

- a) Have a maximum sign area that shall not exceed fifteen (15) percent of the area of any one (1) architectural elevation. Roof structures as shown on architectural

elevations are not included in the calculation of elevation area; and

- b) Where located on a shopping centre or plaza, have a maximum Sign area not exceeding thirty (30) percent of the total area of that elevation, including the Sign area of all Wall Signs on any architectural elevation of a single store or business.

**6.12.2** Wall Signs may be considered a Third-Party Sign.

**6.12.3** Not more than 2 Wall Signs shall be permitted on the any single store or business.

## **7.0 APPLICATIONS AND PERMITS**

**7.1** A Sign Permit is required from the Chief Building Official or their Designate of the Town to erect, locate, display, or substantially alter a Sign, with the exception of the permit-exempt signs listed in Section 5 of this By-law.

**7.2** Signs that are defined as designated as structures, as per *Ontario Building Code*, require that a Building Permit be obtained prior to erection of the Sign, and the Sign must comply with this By-law.

**7.3** The application for a Sign Permit shall be submitted to the satisfaction of the Chief Building Official or their Designate and shall include:

- a) A completed application form;
- b) Written authorization from the owner of the property and the occupant of the premises or Sign owner on which the Sign will be located;
- c) A detailed site plan map indicating:
  - i. the location of the proposed Sign(s) in relation to the boundaries of the lot, adjacent streets, and any buildings on the lot or if a Billboard Sign, the location of other existing Billboard Signs.
- d) Elevation and cross section views of the proposed Sign;
- e) Structural detail drawing of the proposed Sign, including the dimensions, design, and materials; and
- f) Permit Fee.

**7.4** Where a Sign is affixed to a building, the Sign Permit shall include:

- a) Detailed drawings and specifications identifying the location on the proposed building where the Sign is proposed to be affixed; and
- b) An engineered anchorage detail.

**7.5** The owner / applicant shall ensure that the proposed design is in compliance with the Town

of Gravenhurst, Dark Sky By-Law.

**7.6** No Sign shall be placed:

- a) In such a position so that no part of the Sign is nearer than three (3) metres to any fire hydrant, telephone, telegraph, or electric wire other than those to illuminate or operate the Sign;
- b) Without the applicant first obtaining permission in writing from the authority having jurisdiction over same; and
- c) In such a position that would contravene any other applicable legislation.

**7.7** The Chief Building Official or their Designate, shall issue the Permit for a Sign if all provisions of this By-law and any other applicable law has been met, including the *Building Code Act*, any By-laws of the District Municipality of Muskoka and any guidelines or polices of the Ministry of Transportation of Ontario (MTO), have been complied with.

**8.0 CONSTRUCTION DETAIL**

- 8.1** No sign illuminated or operated electrically shall be erected, maintained or altered unless such electrical work is in conformity with all regulations of Ontario Hydro and the local authority having jurisdiction, and all such electrical equipment bears the appropriate approval of the Canadian Standards Association;
- 8.2** All external lights used to illuminate a sign shall be arranged so that the light is directed downward, and shall be a fixture in accordance with the Town's Dark Sky By-law and Schedule 'A' of this By-law;
- 8.3** All internally illuminated and back lit signs shall be auto dim to 50% of the daylight setting from 8:00 p.m. to 7:00 a.m. Should the sign not have an auto dim feature then it must be turned off from dusk to 7:00 a.m.
- 8.4** All electronic sign displays may not change more frequently than once every 40 seconds, except for signs that alternate between current time and current temperature which may not change more than once every 15 seconds. Content changes must be achieved within one second. Transition effects, such as but not limited to, wipe, slide, fade and/or pixelate are prohibited. All electronic signs shall be auto dim to 50% of the daylight settings from 8:00 p.m. to 7:00 a.m. daily.
- 8.5** All signs erected, located, or displayed in the Business Improvement Area must be constructed as per the corresponding Design Guidelines summarized in Schedule 'A' of this By-law.

## **9.0 EXISTING SIGNS / LEGAL NON-CONFORMING SIGNS**

- 9.1** This By-law does not apply to any permanent Sign or permanent advertising device that is lawfully erected or displayed on the day this By-law comes into force, if the Sign or advertising device is not substantially altered.
- 9.2** Where an existing Sign has been lawfully erected prior to this By-law coming into effect, such Sign shall be permitted if it is not removed, enlarged, substantially structurally altered or abandoned.
- 9.3** The maintenance and repair of the Sign or advertising device or a change in the message displayed shall not be deemed an alteration.
- 9.4** Existing Billboard Signs and other Abandoned Signs which are damaged to an extent that its supporting structural members are broken shall be deemed to be destroyed and shall be removed and not be reconstructed except in accordance with this By-law.
- 9.5** All Abandoned Signs may be removed by the Town without notice, in accordance with Section 15.

## **10.0 MAINTENANCE AND REPAIR OF LEGAL NONCONFORMING SIGNS**

- 10.1** Any person who maintains a Legal Nonconforming Sign is subject to all requirements of this By-law regarding safety, maintenance, and repair.
- 10.2** If the Sign suffers more than fifty (50) percent damage or deterioration, based on an appraisal, the owner shall bring the Sign into conformity with this By-law or be removed.

## **11.0 BY-LAW EXEMPTIONS**

- 11.1** The Chief Building Official or their Designate may approve Signs that do not meet a requirement in the By-law if:
- a) they are deemed to meet the intent of this By-law and the Community Improvement Plan Design Guidelines for signage;
  - b) Any Signs illustrated and detailed on drawings related to an approved Site Plan Agreement and/or Building Permit, are deemed to comply with this By-law and do not require a separate Sign Permit;
  - c) Where the owner or person in control of a Sign for any reason is unable to comply with the provisions and regulations under this By-law, such person may apply to the Council of the Town of Gravenhurst for an exemption from the provisions and regulations of this By-law. This application requires an additional non-refundable fee, payable at the time of application as per the User Fees and Charges By-law; and
  - d) The Council of the Town of Gravenhurst may authorize exemptions from the provisions and regulations of this By-law.

## **12. EXPIRY OF A SIGN PERMIT**

- 12.1** Except for a Permit issued for a Mobile Sign, a Sign Permit issued pursuant to this By-law shall be valid for a period of six (6) months from the date of issuance and shall remain valid so long as the work covered by the permit is commenced before the expiry of the six (6) month period, and so long as the work is carried on at a reasonable rate to completion.
- 12.2** Where no written request for renewal is submitted to the Chief Building Official or their Designate before the expiry of the six (6) month period or where a sign permit has been renewed once with work not being commenced before the expiry of the second six (6) month period, the Sign Permit shall automatically lapse, and a new application shall be required along with fees applicable at that time.

## **13. REVOCATION OF SIGN PERMIT**

- 13.1** The Chief Building Official or their Designate may revoke a Sign Permit issued under this By-law if:
- a) The Permit was issued with mistaken, false, or incorrect information;
  - b) The Permit was issued in error;
  - c) The erection of the Sign, other than a Mobile Sign, is deemed substantially suspended or discontinued for a period of more than six (6) months; or
  - d) The permit holder, property owner or his agent requests in writing that it be revoked.
- 13.2** Prior to revoking a Permit, in accordance with this By-law, the Chief Building Official or their Designate may give written notice of intention to revoke the Permit to the permit holder delivered to the permit owners last known address and, if on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continues to exist, the Permit shall be revoked without further notice and all submitted plans and other information may be disposed of, or at the request of the permit holder, returned to the permit holder at the owner's expense.

## **14. NOTICE AND IMPOUNDMENT**

- 14.1** A notice shall be provided to a person who has caused a Sign to be erected, displayed, or altered contrary to the provisions set out in this By-law. Such notice shall:
- a) Be in writing; and
  - b) Specify the particulars of non-compliance with this By-law.
- 13.3** A notice shall be sent by regular mail to the applicant, or where a sign is existing to the owner or tenant of the property where the sign is located.

- 13.4** Such notice shall be signed by the Chief Building Official or their Designate.
- 13.5** Upon receiving notice from the Town, any person who has caused a Sign to be erected, displayed, or altered without first having obtained a Permit, contrary to the provisions of this By-law, shall:
- a) Obtain a Sign Permit; or
  - b) Remove, at the expense of the owner of the sign, within fourteen (14) days from the date of service of the notice unless the sign is made to comply with this By-law before such time elapses.
- 13.6** Notwithstanding any other subsections of this By-law, Incidental Signs, Sandwich Board Signs, Real Estate Signs, Construction Signs, that are erected or displayed contrary to this By-law shall be removed by the owner within two (2) days after service of a notice from the Town.
- 13.7** Where a Sign or other advertising device has not been removed by the owner, an Officer may cause such Sign to be removed and impounded at the expense of the owner of the sign and any costs incurred by the Town may be recovered in like manner as municipal taxes on the property where the Sign was located; or may be recovered by action pursuant to Section 446 of the *Municipal Act 2001, c. 25* as amended.
- 13.8** A removed Sign or advertising device shall be impounded by the Town or an independent contractor for a period of not less than thirty (30) days. During this time the Sign owner or their agent is entitled to redeem such sign upon making payment satisfactory to the Town in the amounts noted in the Town's Fees By-law, as amended from time to time.
- 13.9** Where the impounding time of a stored Sign exceeds the thirty (30) day period and the sign has not been redeemed, the Town may then destroy or otherwise dispose of the Sign without notice or compensation to the owner of the Sign or his or her agent.

## **15.0 REMOVAL OF SIGN**

- 15.1** An Officer or Public Works employee of the Town is authorized to take down or remove any Sign or advertising device which is considered a contravention of this By-law.
- 15.2** Obsolete Signs shall be removed within thirty (30) days of the occurrence. If a lawful Sign has become obsolete, an appropriate change of message shall constitute removal and satisfy the purposes of this section.
- 15.3** Personal Signs shall be removed in the time stipulated under Section 6.8 of this By-law, by the owner of such Signs or by the owner of the property on which such Signs are located.

## **16.0 INSPECTIONS**

- 16.1** At the completion of the construction of a sign, the owner of a Sign Permit or their



agent, shall arrange for a final inspection.

**16.2** An Officer, may enter upon any land at any reasonable time without a warrant for the purpose of:

- a) Inspecting a site where a Sign Permit has been issued or an application for a Sign Permit is made; or
- b) Determining if a Sign Permit is required to be issued.

**17.0 MAINTENANCE OF SIGN**

**17.1** The owner of any Sign shall maintain or cause such Sign to be maintained in a proper state of repair, so that such Sign does not become unsafe, defective, or dangerous.

**17.2** A Legal Non-Conforming Sign is subject to all requirements of this By-law regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent (50%) damage or deterioration, it must be brought into compliance with this By-law or be removed.

**18.0 LIABILITY**

**18.1** Any person or property owner erecting or maintaining any Sign, shall be liable for such Sign or Sign structure. The Town of Gravenhurst is hereby indemnified from and against all manner of claims for damages, losses or expenses otherwise arising from the erection, maintenance, removal or falling of such Sign, Sign structure or part thereof.

**19.0 FEES**

**19.1** All fees applied are applied as per the Towns' current User Fees and Service Charges By-law. Multiple signs are permitted on one application provided all signs are located on one (1) address or property.

**20. OFFENCES AND PENALTIES**

**20.1** A person is guilty of an offence if the person.

- a) Fails to comply with an order, notice direction or other requirements under this By-law; and/or
- b) Contravenes any provision of the By-law.

**20.2** A Director or Officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence.

**20.3** Any person who knowingly falsely reports a violation of the By-law shall, upon the second and any subsequent false reports, be guilty of an offence.

- 20.4** If the contravention of this By-law results in fire suppression or fire prevention personnel and vehicles being dispatched to respond to the property, the person in control of the fire and/or the Owner may be invoiced by the Fire Department, for the cost of such response according to the rates established by the Town's Fees and Charges By-law, as amended. However, nothing in any Schedule of Rates shall be construed as limiting the rights of the Town to seek restitution for other direct or consequential damages or costs incurred beyond those listed.
- 20.5** An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 20.6** Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.
- 20.7** Any Person who has been found in contravention of the By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.
- 20.8** Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 20.9** Every person who is guilty of any offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine, and the Chief Justice of the Ontario Court of Justice shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with this By-law.
- 20.10** The court in which the contravention has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

## **22.0 SEVERABILITY**

- 22.1** Should any section, clause or provision of the By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.
- 22.2** In the event of a conflict between the Dark Sky By-law and this By-law, priority shall be given to the Dark Sky By-law.

## **23. FORCE AND EFFECT**



- 23.1** This By-law shall come into force and effect as of the date of passing.

## **24. REPEAL**

Upon the passing of this By-law, By-law No. 2022-10 shall be repealed.

Read a first, second and third time and finally passed this 18th day of April, 2023.

Mayor 

Clerk  

## Schedule 'A'

### The Corporation of the Town of Gravenhurst By-law No. 2023-31

#### Community Improvement Plan Façade Guidelines

##### Awnings and Canopies

##### Design Considerations:

- Choose an appropriate form of awning to suite the window and door arrangement. Awnings can accentuate the entrance door or can span a full building façade.
- Traditional canvas awnings are retractable, can span over a sidewalk, and are available in a variety of historical colours and patterns.
- In all instances, consider the durability of the fabric in regard to weathering. Fading and mold resistant fabrics are preferred.
- Choose a colour(s) in keeping with the colour scheme for the building and in keeping with the historical theme of the town in general.
- An awning should not cover important architectural detailing.
- Awnings should respond to the overall configuration of the building façade.
- Awnings should be attached to a solid wall no higher than 300mm above the top of window edge.
- Awnings should extend not more than 1.5 metres from the building face on streets and be set back 600mm from the sidewalk curb.
- Awnings should be rectangular in shape with straight edges. Awnings shall not have a bottom soffit panel and shall not be backlit.
- All awnings on a single store front should have consistent form, material or colour.



## Signage

### Design Considerations:

- Copy should be made clear and easy to read. Painted plastic or wood letters and molded polyurethane Signs are currently available, which keep historical themes relevant, while lessening maintenance issues. Stainless steel letters or similar alternatives are acceptable. Colours should be coordinated with building.
- Primary Signs should advertise the name of the business and the primary goods or services offered.
- A maximum of one primary Sign and one Blade Sign are permitted per store face. Alternatively, primary signage may be permitted on an awning.
- Signs attached to building should be integral with storefronts, no larger than 600mm in height and externally lit. Backlit or neon type signs are not permitted under the Sign By-law.
- An additional blade sign may be attached perpendicular to the facade at a height above 2.4m, not exceeding 1.0m in height nor 0.6m in length. The blade sign should be located just under or just over the store awning. In other circumstances, the blade sign may be suspended by chains or by a bracket.
- Ideally, a continuous frieze or fascia should be located over the storefront at approximately 450-500mm in height. This fascia should be the location of the primary sign.





## Lighting

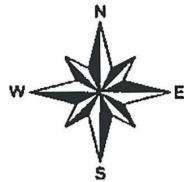
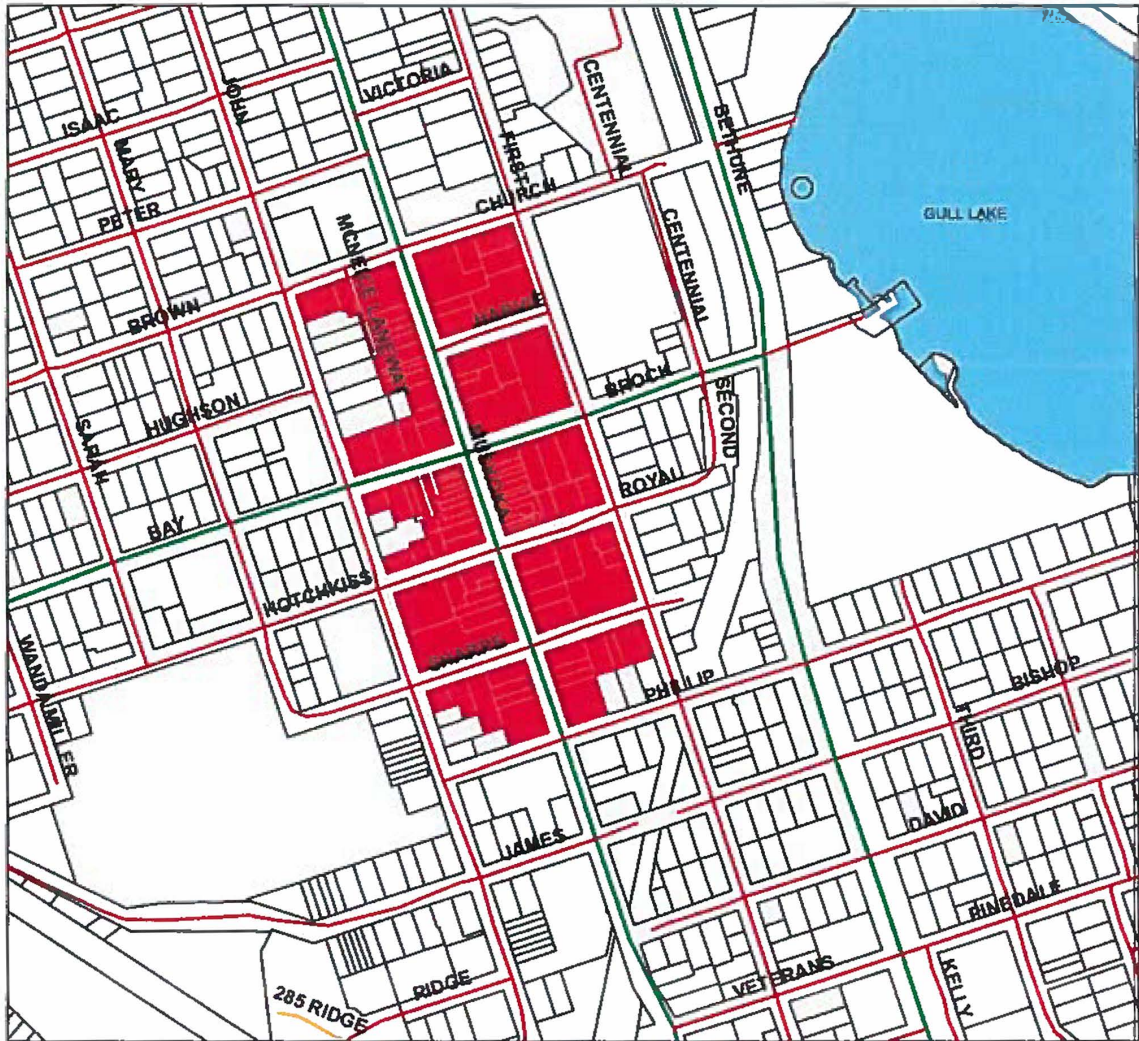
### Design Considerations:

- The primary goal of a light fixture is to be a source for highlighting a specific detail, signage or space on the building façade.
- Lighting should complement a building and should be appropriate to a building's architectural style.
- Lighting of front door areas can be accomplished in two ways:
  1. Wall mounted fixtures with a "Traditional Heritage" theme (lantern style) can flank a doorway or storefront.
  2. A ceiling mounted fixture for a recessed doorway could take on one of either two forms:
    - a hanging lantern style; or
    - a less decorative fixture such as a recessed ceiling fixture.
- Highlighting signage can be accomplished decoratively with attractive 'Gooseneck' lighting. Modern versions of the 'Gooseneck' are available that are less decorative but maintain the integrity of selective signage and historical theming.
- Simple, unobtrusive spotlights can also highlight signage that might otherwise not be able to be lit.
- Modern light fixtures with traditional styling come with up-to-date technologies that include 'dark sky' compliance and shadow guards.
- Pulsating or flashing lights will not be permitted, as well as poorly directed light to the street which will cause distraction for the motorist and inappropriate glare towards neighbouring buildings or pedestrians.





# Gravenhurst BIA



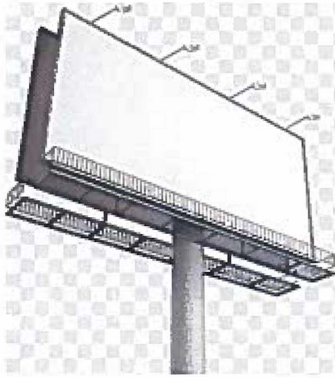
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## SCHEDULE 'B'

### SIGN TYPES

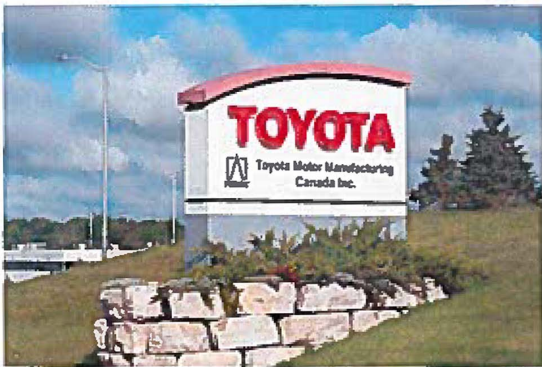
BILLBOARD SIGN



FACIA SIGN



GROUND SIGN



MOBILE SIGN



PYLON SIGN



WALL SIGN

