

# THE CORPORATION OF THE TOWN OF AJAX

## BY-LAW NUMBER 05-2021

A By-law to regulate temporary signs and other advertising devices in and for the Corporation of the Town of Ajax

**WHEREAS** pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the Council of a local municipality may pass a By-law to regulate or prohibit signs and other advertising devices;

**WHEREAS** pursuant to the Municipal Act 2001, S.O. 2001, c. 25, as amended, a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

**NOW THEREFORE** the Council of the Corporation of the Town of Ajax enacts as follows:

### 1. Short Title

1.1 This by-law may be cited as the "Temporary Sign By-law".

### 2. Interpretation

2.1 Any reference in this by-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

### 3. Definitions

3.1 Unless otherwise defined in this by-law, definitions from the Town's most recent Zoning By-law, as amended, shall apply to terms used in this by-law.

3.2 In this By-law:

- (a) "a-frame sign" means any sign that is designed to stand freely by means of two board faces or one board face and a supporting leg(s).
- (b) "abandoned or obsolete sign" means any temporary sign located on a property which becomes vacant and unoccupied for a period of 90 days or more, or any temporary sign which pertains to a time, event, or purpose which no longer applies.
- (c) "advertising device" means any device or object erected or located so as to attract public attention to any goods, services, facilities or events but does not include a temporary sign.
- (d) "alter" means any change to the sign structure or sign face including the addition, deletion or re-arrangement of parts.
- (e) "animated " means any action or motion or colour changes of all or any part of a temporary sign.
- (f) "approved message" means the message indicated on the application for a portable sign permit.
- (g) "area" means:
  - i) the area of the display surface including the border or the frame.
  - ii) all of the area of the display surface lying within the extremities of the sign, if the sign does not have a border or frame;
  - iii) in the case of a free standing number, letter or shape, the smallest rectangle which will enclose the number, letter or shape;

- iv) in the case of groupings of free standing numbers, letters or shapes, or combinations thereof, the sum of the area of the smallest rectangle which will enclose the grouping of letters, numbers or shapes; and,
  - v) where used in connection with a sign having two display surfaces and a thickness not greater than necessary to accommodate the sign structure and with the thickness not used as a display surface, means the area of one display surface.
- (h) "daylighting triangle" means an area of private land on a corner lot, which area is to be determined by measuring from the point of intersection of the street lines, 7.5 metres along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting street lines and the straight line joining the points at the required distance along the street line is the daylighting triangle.
- (i) "development directional sign" means an advertising device directing the general public to a specific place for the purposes of new residential property sales.
- (j) "display surface" means the entire temporary sign area which encloses the extreme limits of the message or announcement displayed on a temporary sign. Decorations related to the specific nature of the message or announcement shall be included.
- (k) "election sign" means a sign for an election or by-election or a registered third party advertiser that promotes, supports or opposes a candidate, political party, or a "yes" or "no" answer to a question on a ballot.
- (l) "erect" means display, attach, affix, post, alter, construct, place, locate, install or relocate.
- (m) "height" means:
- i) the height of a sign with border or frame shall be the vertical distance from the ground on which it stands to the highest extremity of the sign; or
  - ii) the height of the sign, without border or frame, that is affixed to or mounted upon any building or other approved mounting, shall be the vertical distance from the ground to the top of the letter, symbol or other part of the sign that is highest.
- (n) "illuminated" means artificial light directly or from a source of light connected with a temporary sign, or light focused upon or chiefly directed at the surface of the temporary sign.
- (o) "inflatable sign" means any sign filled by air or other gas and either designed to be airborne or tethered to the ground, a vehicle, a roof or any other structure and includes balloons.
- (p) "Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town of Ajax to enforce municipal by-laws.
- (q) "open house directional sign" means an advertising device directing the general public to a specific place for the purpose of property sales or open houses.
- (r) "portable sign" means any sign which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed concrete foundation for its structural support, and includes, but is not limited to, the type of signs which are commonly known as a portable trailer, mobile, and read-o-graph signs.
- (s) "person" means an individual, a firm, corporation, association or partnership.

- (t) "poster sign" means a sign conveying information intended to be displayed for a temporary period of time and includes, but is not limited to a bill, handbill, leaflet and placard.
- (u) "Region" means The Regional Municipality of Durham
- (v) "setback" means the horizontal distance measured at right angles to the boundary of a parcel, lot or block of land, between the said boundary and the temporary sign structure.
- (w) "step stake sign" means an advertising device consisting of a frame of wire, flat bar or unpainted wood pushed into the ground to support a sign.
- (x) "teardrop flag" means an advertising device consisting of a flag type banner that is a large teardrop-shaped flag, supported on the ground on solid bases with any custom design printed on the flag material and includes, but not limited to feather flag and fish fin flag type signs.
- (y) "temporary sign" means a portable sign, a-frame sign, an inflatable sign, poster sign or a yard sale sign.
- (z) "Town" means The Corporation of the Town of Ajax.
- (aa) "yard sale sign" means a sign advertising the sale of personal merchandise on a property zoned residential.
- (bb) "zone" means the area of a defined land use zone in the Town's Zoning By-laws passed under the Planning Act, R.S.O. 1990 c. P. 13, as amended or any successor thereto.

#### **4. Administration**

- 4.1 The By-law Services Section of the Town shall be responsible for the issuance of permits for portable signs and inflatable signs, and shall be responsible for the enforcement of this By-law.
- 4.2 This By-law shall be read and interpreted in conjunction with the Town's Zoning By-law, as amended.
- 4.3 All dimensions are in metres (m) or square metres (m<sup>2</sup>) unless otherwise indicated and all submissions shall be dimensioned as such.
- 4.4 This By-law does not apply to the Town with regard to the Town's Corporate Mobile Sign Booking Policy or signs related to any special project, activity, or event, which the Town is either managing or is a partner in.

#### **5. Permits**

- 5.1 No person shall erect a portable sign or an inflatable sign or permit or cause a portable sign or inflatable sign to be erected without first obtaining a permit from the Town.
- 5.2 The applicant for a permit shall be the property owner, business owner, or an authorized agent of the property owner or business owner.
- 5.3 The application for a permit for a portable sign or an inflatable sign shall be filed with the By-law Services Section of the Town.
- 5.4 The application for a permit shall be completed on the form provided by the Town.
- 5.5 The applicant shall obtain approval for the proposed sign, if required, from other governmental authorities having jurisdiction.
- 5.6 The Town may impose any conditions to a permit, deemed appropriate.

#### **6. Revocation of Permits**

6.1 The Town may revoke a permit under the following circumstances:

- (a) The permit has been issued in error by the Town;
- (b) The sign does not conform to this By-law, or any other applicable regulation or legislation; or,
- (c) The permit has been issued as a result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application.

## **7. Expiry of Permits**

7.1 A permit issued by the Town shall expire:

- (a) Upon the expiry of any display period specified under this by-law or pursuant to the terms of the permit; or
- (b) Immediately upon removal of the sign.

## **8. Temporary Signs For Which Permits Are Not Required**

8.1 The requirement to obtain a permit shall not apply to the following temporary signs:

- (a) yard sale signs;
- (b) a-frame signs, or
- (c) poster signs

## **9. General Provisions**

9.1 No person shall erect or display or permit or cause the erection or display of a temporary sign that is not in accordance with the provisions of this by-law.

9.2 No person shall erect or display or permit or cause the erection or display of a temporary sign on any property or road owned by the Town or Region.

9.3 No person shall erect or display or permit or cause the erection of an advertising device anywhere within the Town.

9.4 No person shall fail to remove, alter or repair a temporary sign which is not in compliance with the provisions of this by-law when so directed by an Officer.

9.5 A temporary sign shall not be erected within 3 m of any driveway where it intersects a highway.

9.6 A temporary sign shall not be erected within a daylighting triangle or obstruct or be located in a required parking space.

9.7 A temporary sign shall not be erected within 15 m of a traffic light standard, stop sign or other traffic control device.

9.8 The person who erected the temporary sign or caused the temporary sign to be erected and the owner of the temporary sign shall maintain such temporary sign in a proper state of repair so that such sign does not become unsafe or unsightly.

## **10. Prohibited Temporary Signs & Advertising Devices**

10.1 The following temporary signs or advertising devices are prohibited under this by-law:

- (a) abandoned or obsolete temporary signs;
- (b) animated temporary signs;
- (c) any temporary signs or advertising devices on trucks, trailers, or vehicles that are parked on a property in a manner that is unrelated to their normal use as vehicles and is more consistent with the use or intended use of the vehicle as a sign;

- (d) any temporary sign capable of being confused with a sign, such as a traffic sign, traffic signal or official sign, or a sign that directs the movement of traffic or a sign which hides the view of any official traffic sign or signal;
- (e) any step stake;
- (f) any teardrop flags;
- (g) open house directional sign; or
- (h) development directional sign.

**11. Permitted Temporary Signs by Land Use Type /Zone**

- 11.1 Temporary signs shall only be permitted in commercial zones, employment zones, or institutional zones.
- 11.2 Notwithstanding 11.1, no portable sign or inflatable sign shall be permitted in any mixed use zones.

**12. Temporary Signs Standards & Setbacks**

- 12.1 No person shall erect, permit or cause to be erected, a temporary sign except in compliance with the provisions of Table 12.1 of this By-law.

Table 12.1 – Temporary Sign Standards & Setbacks

	Maximum Height	Maximum Width	Maximum Area	Minimum Setback
<b>Portable Sign</b>	2.4m	2.4m	5.75m <sup>2</sup>	1m
<b>A-Frame Sign</b>	1m	1m	1m <sup>2</sup>	0m
<b>Inflatable Sign</b>	7m	6m	n/a	3m

**13. Portable Signs**

- 13.1 A permit for a portable sign shall be valid for a period of 21 days.
- 13.2 (a) Lettering for all portable signs shall not be greater than 0.5 m in height.
- (b) Lettering, characters, and images used on a portable sign shall be in black or white, primary, or pastel colours only.
- (c) Notwithstanding 13.2 (b) no person shall use, or permit the use of, any bright yellow or bright orange, or any other type of neon coloured letters, characters, or images.
- 13.3 A portable sign shall have the name and telephone number of the sign company affixed to it in a clearly visible location.
- 13.4 A Portable sign shall be located on the lot where the business being identified by the said sign is located.
- 13.5 Flashing lights on portable signs are prohibited.
- 13.6 A portable sign permit is non-transferable, and shall only be used by the business for whom the application was submitted.
- 13.7 A portable sign shall only display an approved message.
- 13.8 Only one portable sign shall be permitted on a lot at a time, or one portable sign shall be permitted for each 100 m of public road frontage on a lot, whichever is greater.
- 13.9 No portable sign shall be located closer than 15 m to any other portable sign.
- 13.10 No more than 4 permits for portable signs will be issued, per calendar year, per business store frontage regardless of how many registered businesses are located within the frontage.

13.11 No portable sign shall be used for the purposes of an election sign.

#### **14. A-Frame Signs**

14.1 An a-frame sign shall be wholly located on the lot where the business is located.

14.2 An a-frame sign shall only be displayed between 7:00 a.m. and 11:00 p.m. each day.

14.3 Where more than one a-frame sign is located on a lot, each a-frame sign shall be located a minimum of 9 m from any other a-frame sign.

14.4 Only one a-frame sign per business store frontage shall be permitted in accordance with the provisions of this by-law.

#### **15. Poster and Yard Sale Signs**

15.1 No person shall erect a poster sign greater than a dimension of 0.216 m x 0.356 m. (8 ½" X 11")

15.2 Every poster sign shall be made of paper or lightweight cardboard.

15.3 A poster sign shall only be affixed to a utility pole with tape and shall be installed as a wrap around sign affixed flush to the surface of the pole.

15.4 A poster sign shall not be erected on a centre median or traffic island.

15.5 A poster sign shall not be located more than 2 m above grade.

15.6 A poster sign shall not be erected for more than 14 consecutive days.

15.7 The date of posting shall be clearly identified on the front of a poster sign.

15.8 A poster sign shall be removed three days after any advertised event or promotion for which the poster sign has been erected.

15.9 No more than one poster sign shall be permitted to be affixed to a utility pole at any time.

15.10 A yard sale sign shall only be permitted on the day of the yard sale and shall be removed forthwith at the conclusion of the yard sale.

15.11 Every yard sale sign shall include the address and date of where and when the yard sale is occurring.

#### **16. Inflatable Signs**

16.1 One inflatable sign shall be permitted per lot at any one time.

16.2 A permit for an inflatable sign shall be valid for a period of 21 days.

16.3 The maximum number of times an inflatable sign shall be permitted on a lot per year is four.

#### **17. Offences and Penalties**

17.1 When a temporary sign is erected on or overhanging property owned by or under the jurisdiction of the Town or Region, in contravention of this By-law, the temporary sign may be removed by an Officer without notice.

17.2 When a temporary sign is erected in contravention of this By-law, an Officer may forward a notice, by personal service, telephone or regular post, to the lessee or owner of the sign, or their agents, or to the person or agent having the use or the major benefit of the sign, requiring that the sign be removed within the time specified in the notice and thereafter not replaced with any sign in contravention of this By-law.

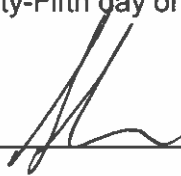
17.3 If a notice is not complied with, an Officer may require Town employees, or an independent contractor, to enter land and remove a temporary sign at the expense of the owner thereof, the person who permitted or caused the temporary sign to be erected or


by the owner of the land on which it is situated.

- 17.4 The Town may recover any expense incurred pursuant to Sections 17.1 and 17.3 by adding the cost to the tax roll and collecting it in the same manner as taxes.
- 17.5 A person wishing to recover a sign removed pursuant to Section 17.1 shall pay a fee of \$50 for an a-frame sign and \$500.00 for a portable sign or the total expense of removing the sign, whichever is greater.
- 17.6 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act.
- 17.7 Should any provision of this by-law be declared by a court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions shall, nevertheless, remain valid and binding and the by-law shall be read as if the provisions had been struck out.
- 18. Repeal**
- 18.1 That By-law Number 70-2019, is hereby repealed.

READ a first and second time this  
Twenty-Fifth day of January, 2021.

READ a third time and passed this  
Twenty-Fifth day of January, 2021.

  
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Mayor

  
\_\_\_\_\_  
Clerk

