

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

By-law No. 156-2004

**BEING A BY-LAW TO REGULATE SIGNS AND OTHER ADVERTISING DEVICES WITHIN THE MUNICIPALITY OF CHATHAM-KENT**

**WHEREAS** Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting Structures, including fences and signs;

**ANDWHEREAS** Section 99 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality may enter land and pull down or remove a sign if it is erected or displayed in contravention of a by-law respecting signs.

**AND WHEREAS** it is deemed desirable to establish regulations concerning signs for the Municipality of Chatham-Kent

**NOW THEREFORE** the Council of the Municipality of Chatham-Kent enacts as follows:

**1.0 Definitions:**

1.01 In this by-law:

“Abandoned Sign” means a sign that no longer identifies or advertises an activity, business, product or service, or identifies or advertises an activity, business, product or service which is no longer conducted or available on the premises on which the sign is located.

“Alter” means to change one or more dimensions of a sign.

“Animated Sign” means any sign that includes action or motion of all or any part of a sign and includes a sign containing intermittent or flashing light source.

“Area” means the surface area of one (1) side of the sign including the border and frame.

“Awning” means a retractable, collapsible or moveable shelter, hood or cover that projects from the wall of a building.

“Awning Sign” means a sign painted on or affixed flat to the surface of an awning that does not extend beyond the limits of the awning, is used solely for identification of the business and contains no other commercial message.

“Banner Sign” means any sign composed of non-rigid material such as cloth, canvas or other similar material used for temporary purposes with or without frames.

“Billboard Sign” means any sign other than a real estate sign, measuring more than 3.0 sq. m (32.0 sq. ft.) in Area, that directs attention to products, goods and services, activities or facilities not provided on the premises on which the sign is located.

“Bylaw Enforcement Officer” means an officer or employee of the Municipality whose duties include the enforcement of this by-law.

“Canopy” means a permanent non-retractable shelter, hood or cover that projects from the wall of a building but does not include a projecting roof.

“Canopy Sign” means a sign painted on, affixed flat to or constructed in or on the surface of a canopy.

“Chief Building Official” means the person appointed as such by the Municipality under Section 3 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.

“Council” means the Council of the Municipality.

“Directional Sign” means a sign that communicates information regarding pedestrian or vehicular movement.

“Erect” means to attach, install, hang, place, suspend or affix a sign or letters or to build, construct, reconstruct, alter, enlarge, relocate the sign and includes changing the surface of a sign.

“Existing Sign” means a sign that was lawfully on display prior to the adoption of this by-law.

“Fascia Sign” means a sign located in such a manner that the sign surface is parallel to the main wall of the building to which it is attached.

“Grade” means the average elevation of the finished surface of the ground immediately surrounding the sign.

“Ground Sign” means a sign affixed to, supported by or placed directly upon the ground.

“Historic Downtown Sign” means a sign located in that portion of the Municipality shown on Schedule ‘A’ attached hereto, but excluding the Downtown Chatham Centre.

“Inflatable Sign” means a non-rigid sign supported by air or other gas pressure.

“Memorial Sign” means a sign noting historical information about a building to which it is attached or the site upon which the sign is erected.

“Municipality” means The Corporation of the Municipality of Chatham-Kent.

“Mural” means any painting, drawing, sketching or other markings, that contain no text or logo, that appear to be advertising a business or product and that are applied directly to a wall or other integral part of a building or structure .

“Owner” means the owner of the sign and includes the owner of the property on which the sign is erected and the owner of the business being advertised.

“Pedestal Sign” means a non-illuminated sign resting on the ground.

“Pole Sign” means a sign supported and placed upon one or more poles or standards.

“Portable Sign” means a temporary advertising device and includes any and all signs constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign.

“Projecting Sign” means a sign which projects from a building face so that the sign face is not parallel with the building wall to which it is attached.

“Property” means a separately assessed property shown on the Municipality’s Assessment Roll.

“Real Estate Sign” means a temporary sign indicating the property on which the sign is located, or any part thereof is for sale, rent or is open for viewing for the purpose of such sale or rent of the property.

“Roof Line” means a line formed by the intersection of the exterior walls of a building with the roof of a building and in the case of a pitched roof shall be at the eaves level.

“Roof Sign” means any sign that is erected, on or above the roof line of a building and includes an inflatable sign.

“Sandwich Board Sign” means a non-illuminated sign consisting of two (2) flat surfaces joined at one (1) end and resting on the ground.

“Sign” means a sign surface containing an advertisement by means of painting or printing on, attaching bills, letters, numerals or symbols to any building, structure or device which identifies or advertises any business, group, activity or product on any premises in such a way as to be visible to the public, excluding a mural,.

“Sign Face” means the area of the single surface of any sign within the outer edge of the frame or border of a sign. In the case of a multi-faced sign (excluding sandwich board signs), each side shall be counted in computing the sign face.

“Street” means a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle any part of which is intended for or use by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Street Line” means the curb line, edge of asphalt or any travelled portion of a street.

“Temporary Sign” means a sign displayed for a limited period of time.

“Vehicle” means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled or driven by any kind of power.

“Visibility Triangle” means a triangular area formed within a lot by

- (a) intersecting streets and a straight line connecting them 7.6 m (25.0 ft) from their point of intersection;
- (b) the intersection of a street and any portion of a driveway within 7.62 m (25.0 ft) of a property line and a straight line connecting them 7.6 m (25.0 ft) from their point of intersection; or
- (c) the intersection of an alley and a street, or two alleys and a straight line connecting them 3.05 m (10.0 ft.) from their point of intersection.

“Window Sign” means a sign placed, painted or affixed upon a window facing the outside, and intended to be seen from the exterior of the window.

“Zone” means an area delineated on a Map Schedule of the Zoning By-law and designated by such by-law for a specific use or specific uses.

"Zoning By-law" means any By-law in effect within the Municipality that was passed pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

## **2.0 General Requirements**

- 2.01 Except as otherwise provided in this by-law, no sign or awning shall be erected without a permit being issued therefor by the Chief Building Official.
- 2.02 A permit issued pursuant to Subsection 2.01 shall expire if the work, as allowed by the permit, is not commenced within six (6) months from the date the permit was issued.
- 2.03 Notwithstanding any provision contained in this By-law, no person shall erect or maintain any sign, awning or canopy in such a location or of such construction so as to block or interfere with visibility or operation of any traffic sign, traffic signal or other traffic related appurtenance or that obstructs the view of a vehicle driver or a pedestrian so as to create an unsafe situation.
- 2.04 This by-law may be referred to as the "Chatham-Kent Sign By-law".
- 2.05 Nothing in this by-law shall serve to relieve any person from the obligation to comply with all other applicable laws.
- 2.06 Every sign, awning or canopy shall be designed, constructed and erected in conformity with the provisions of this by-law and in compliance with the Ontario Building Code, O.Reg. 403/97, as amended.
- 2.07 Every sign, sign message and structure must be maintained in a proper state of repair.
- 2.08 This by-law shall not apply to an existing sign provided that no such sign shall be reconstructed, substantially altered or moved unless such sign is made to comply with the provisions of this by-law in all respects.
- 2.09 Council may, upon an application from any person, authorize minor variances from this by-law, if in the opinion of Council the general intent and purpose of the by-law are maintained.

## **3.0. General Sign Provisions:**

- 3.01 The provisions of this section shall apply to all signs.
- 3.02 No person shall erect a sign unless it is conformity with this by-law.
- 3.03 To apply for a permit the applicant shall submit an application to the Municipality, which shall be accompanied by the following unless deemed unnecessary by the Chief Building Official.
- (a) Drawings and specifications showing:
    - (i) plans of the proposed sign drawn to scale including construction details, supporting framework, footings, foundation, illumination details, height and weight, area, clearance height and elevation in relation to adjacent buildings and the sign type (two copies);
    - (ii) materials and specifications (including colours);
    - (iii) a site plan showing the proposed location of the sign in relation to the building and the boundaries of the lot upon which it is to be situated; and
    - (iv) the size and location of existing signs on the property.
  - (b) In case of signs affixed to any wall, plans showing the elevation of the building on which the proposed sign is to be erected, doors, windows and other openings, wall area, location and colour of the proposed sign;
  - (c) Where a proposed sign will front on a Provincial Highway, a copy of the approval from the Ministry of Transportation;
  - (d) A permit fee is as prescribed in the Municipality's Building By-law.
- 3.04 The Chief Building Official shall issue a permit for any sign if a complete application has been received together with all required supporting documentation and the appropriate fee, and the sign for which an application has been made will comply with this by-law and other applicable law.
- 3.05 No person shall erect any sign on or over property owned by the Municipality without the consent of the Municipality.
- 3.06 No person shall erect the following:
- (a) a roof sign;
  - (b) a sign within a visibility triangle;
  - (c) a sign attached to a tree, tree grating, protector, utility pole or light standard;
  - (d) a sign located on or over property owned by the Municipality, a public utility or local board;
  - (e) a fascia sign or awning sign projecting more than .30 m (1 ft) over any street;
  - (f) a sign erected or painted on a vehicle where the vehicle is parked or located in such a manner so to make the vehicle visible from a street; or

(g) a sign that encroaches upon any vertical or horizontal spatial clearance required by Hydro One or the Municipality, for electrical wires, poles, or light standards.

3.07 The following signs are permitted in all zones:

- (a) authorized Directional Signs
- (b) signs required to be posted by government order, rule or regulation
- (c) memorial plaques, cornerstones, historical markers and like monuments
- (d) election signs
- (e) national, provincial and municipal flags or emblems of political, civic, educational, cultural and religious organizations.

3.08 One (1) Temporary Sign not to exceed 6.0 sq. m (64.59 sq. ft) in area may be erected on a construction site indicating the nature of the project and the developers and related personnel, professions or trades involved in the development of the site. The sign may be on display for not longer than thirty (30) days after the completion of construction. Notwithstanding Subsection 3.03, no permit shall be required for a sign erected pursuant to this section.

3.09 One (1) Temporary Sign used to identify a subdivision or other development not to exceed 6.0 sq. m (64.59 sq. ft) may be erected at the entrance of the subdivision or other development until the subdivision or other development is substantially complete as determined by the Municipality. Notwithstanding Subsection 3.03, no permit shall be required for a sign erected pursuant to this section.

3.10 The Owner of land on which is a sign is erected shall remove the sign or cause the sign to be removed within fourteen (14) days of the sign becoming an Abandoned Sign. In the event that the sign(s) is (are) not removed within this time period, the Municipality or its agents may enter upon the property and carry out the removal of the sign(s) at the expense of the owner.

3.11 All illuminated signs shall be so constructed as to direct light away from an adjacent Residential Zone.

3.12 Not more than one (1) Ground Sign or Pole Sign shall be erected on any property except as follows:

- a) where there is more than one (1) building on the property and the property frontage exceeds 50.0 m (164.0 ft). One (1) additional Ground Sign or Pole Sign may be erected for every 50.0 m (164.04 ft) of frontage; or
- b) where the property fronts on more than one (1) street. Additional Ground Signs or Pole Signs on each street shall be permitted based upon the calculations set out in Subsection 3.12 (a).

3.13 A Pole Sign or Ground Sign may be erected on a property adjacent to Queens Highway 40 and Kings Highway 401 and such sign shall meet the requirements of this by-law and any other applicable law.

#### **4.0 Residential**

4.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all signs in any residential zone as defined by the Zoning By-law.

4.02 One (1) Ground Sign or Fascia Sign identifying a home occupation permitted under the Zoning By-law and indicating not more than the name, occupation and operating hours of the occupant shall be permitted and any such sign shall:

- (a) not exceed 1.0 sq. m (3.28 sq. ft) in Area;
- (b) not be illuminated;
- (c) not be flashing or animated;
- (d) if a ground sign, not to exceed 1.2 m ( 3.94 ft) in height from grade; and
- (e) not be closer than 3.0 m (9.84 ft) to any property line.

#### **5.0 Agricultural**

5.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all signs in any agricultural zone as defined by the Zoning By-law.

5.02 One (1) Ground Sign or Fascia Sign identifying a home occupation permitted under the Zoning By-law and indicating not more than the name, occupation and operating hours of the occupant shall be permitted and any such sign shall:

- a) not exceed 4.5 sq. m (48.44 sq. ft) in area;
- b) if a Ground Sign, not exceed 1.2 m (3.94 ft) in height from grade; and
- c) not be closer than 3.0 m (9.84) ft to any property line.

- 5.03 In addition to the sign referred to in Subsection 5.02, one (1) Ground Sign or Fascia Sign for the purpose of advertising the sale of produce shall be permitted and the sign shall:
- (a) not exceed 4.5 sq. m (48.44 sq. ft.) in area;
  - (b) if a ground sign, the sign shall not exceed 2.4 m (8.0 ft) in height from grade; and
  - (c) not be closer than 3.0 m (9.8 ft) to any property line.

5.04 The requirements of Section 6.0 shall apply to properties located within an Agricultural Zone, as defined in the Zoning By-law, where the Zoning By-law permits commercial, industrial or institutional uses.

5.05 One (1) Billboard Sign may be permitted and shall comply with the requirements of Section 12.0 of this By-law.

## **6.0 Commercial, Industrial and Institutional**

6.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all signs in any commercial, industrial or institutional zone as defined in the Zoning By-law.

6.02 A Fascia Sign shall be permitted with a maximum area of 1.0 sq. m (10.76 sq. ft.) per lineal meter (3.28 ft.) of building frontage on a street line; and

- a) For buildings fronting on more than one street line, the building frontage on each street shall be deemed to be separate building frontages for the purpose of calculating the permitted areas of signs and shall not be combined; and
- b) where a building is setback from an interior yard the provisions of Subsection 6.02 (a) shall apply;
- c) where letters or symbols are used as a sign, then the sign shall be deemed to be the area contained within a line surrounding all of the letters or symbols;.

6.03 In an Industrial Zone, as defined by the Zoning By-law, the provisions of Subsection 6.02 shall apply except that the maximum permitted sign area will be 1.5 m (16.4 sq. ft.) for each linear meter of building frontage.

6.04 A Projecting Sign may be erected:

- (a) provided the maximum projection of the sign shall be no greater than 1.0 m (3.28 ft) beyond the face of the wall to which it is attached; and
- (b) provided the lowest point is at least 2.5 m (8.2 ft) above the level of any pedestrian walkway and 4.5 m (14.75 ft) above a travelled portion of a highway.

6.05 A Pole Sign may be erected and such sign shall:

- (a) not be greater than 8.0 m (26.25 ft) in height from grade;
- (b) have a clearance of 4.5 m (14.76 ft) grade if erected in a visibility triangle; and
- (c) not be closer than 3.0 m (9.8 ft) to any property line, provided that a pole sign having a minimum clear height of 2.5 m (8.2 ft) and which is supported by supports having a maximum width of 38 cm (15 in) and which does not have a base or ornamental features which will create a visible obstruction for motorists.

6.06 One (1) Billboard Sign may be permitted in an Industrial or Highway Commercial Zone and shall comply with the requirements of Section 12.0 of this By-law.

## **7.0 Portable Signs**

7.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all portable signs.

7.02 Only one (1) Portable Sign permitted per property at any one time except where properties with a frontage exceeding 50.0 m (164.0 ft.) or part thereof are permitted an additional Portable Sign provided that no Portable Sign may be located closer than 30.0 m (98.44 ft.) from any other Portable Sign.

7.03 No electrical extension cord shall pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle or parking space.

7.04 Portable signs shall:

- (a) not require a permit.
- (b) not be permitted in any Residential Zone as defined in the Zoning By-law for a period exceeding more than three (3) days and shall not be used for commercial purpose.
- (c) not have an area greater than 6.0 sq. m (64.60 sq. ft);
- (d) not be closer than 0.3 m (1 ft) to any lot line;
- (e) not occupy any space required for off-street parking required by the Zoning By-law;
- (f) not be placed on property owned by the municipality;
- (g) not be located within any visibility triangle; and

- (h) have permanently affixed to it in a visually prominent location the name and phone number of the sign owner.

## **8.0 Sandwich Board & Pedestal Signs**

- 8.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all Sandwich Board Signs and Pedestal Signs and includes any wind activated attention devices.
- 8.02 Only one (1) Sandwich Board Sign or Pedestal Sign shall be permitted for each Business with a maximum of two (2) Sandwich Board Signs, Pedestal Signs or combination of both permitted per property frontage.
- 8.03 Sandwich Board Signs and Pedestal Signs shall:
  - (a) not require a permit;
  - (b) not have an Area exceeding 1.0 sq. m (10.8 sq. ft.) per sign surface and a height not exceeding 1.2 m (4.0 ft.);
  - (c) not be closer than .30 m (1.0 ft.) to the street line;
  - (d) if placed on public sidewalk or walkway, leave a minimum 1.8 m (6.0 ft.) wide unobstructed pedestrian corridor;
  - (e) not be placed in a location that will interfere with parking spaces, parking meters, crosswalks, landscape planters, street furniture, trees, utility poles and fire hydrants;
  - (f) not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety;
  - (g) only be displayed during the business hours of the premises; and
  - (h) not be illuminated.
- 8.04 The sign owner shall maintain public liability insurance while the sign is placed within the public right-of-way.

## **9.0 Inflatable Signs**

- 9.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all Inflatable Signs.
- 9.02 Only one (1) Inflatable Sign shall be permitted per property unless the property has a frontage exceeding 90.0 m (295.3 ft.) in which case an additional inflatable sign is permitted provided that no Inflatable Sign may be located closer than 30.0 m (98.44 ft.) to any other Inflatable Sign or Portable Sign.
- 9.03 Notwithstanding Subsection 9.02, if there is a Portable Sign on the property, then only one (1) Inflatable Sign is permitted.
- 9.04 An Inflatable Sign shall only be located on the property to which the sign refers.
- 9.05 Inflatable signs shall:
  - (a) not require a permit;
  - (b) not be placed closer than 3.0 m (9.84 ft) to a public sidewalk, or where there is no public sidewalk exists, the street line and under no circumstances shall an Inflatable Sign be located on a public right-of-way;
  - (c) not occupy any space required for off-street parking required by the Zoning By-law;
  - (d) not be placed on property owned by the Municipality; and shall not be located within any Visibility Triangle; and
  - (e) not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.

## **10.0 Real Estate Signs**

- 10.01 In addition to the requirements contained in Section 3.0 the requirements of this section shall apply to all Real Estate signs.
- 10.02 Real Estate Signs shall:
  - (a) not require a permit;
  - (b) not be placed closer than 0.3 m (1.0 ft.) to any lot line; and
  - (c) not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.

## **11.0 Historic Downtown Signs**

- 11.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all Historic Downtown Signs.
- 11.02 No person shall erect or permit the erection of a sign in the Historic Downtown area as designated on Schedule 'A' attached hereto except in accordance with this section.

- 11.03 Notwithstanding any other section of this by-law to the contrary, every person who is the owner of the land in the Historic Downtown area shall ensure that:
- (a) all signs shall be made entirely of wood or a material which has the appearance of natural wood;
  - (b) any memorial sign be made of cast metal including bronze, brass, wood or a material which has the appearance of natural wood, and shall have no greater area than 0.56 sq. m (6 sq. ft.);
  - (c) any projecting sign shall have a minimum distance of 2.5 m (8 ft.) between top of sidewalk and bottom of sign;
  - (d) the anchoring device used to erect a projecting sign is made of wood or wrought iron only and that the anchoring device is extended no further than 1.22 m (4 ft.) from the face of the building to which it is attached but not more than 1.0 m (3.3 ft.) short of the street line;
  - (e) any awning or canopy signs and supporting structures shall have a minimum distance of 2.13 m (7 ft.) between the top of the sidewalk and the bottom of the awning;
  - (f) no awning or awning sign shall project more than 1.22 m (4 ft.) from the face of the building to which it is attached but not more than 1.0 m (3.3 ft.) short of the street line;
  - (g) all lettering, numbering or graphics on any sign is no larger than 25 cm (10 in.) in height, with the exception of the first letter in any word;
  - (h) any sign erected shall conform to the Benjamin Moore Historical Colours HC1-HC174 historic colour palette or comparable alternate and those colours attached to Schedule 'B';
  - (i) no sign shall be internally illuminated; and
  - (j) the fringe of any awning or canopy be no greater than 0.3 m (1.0 ft) in depth.

## **12.0 Billboard Signs**

- 12.01 In addition to the requirements contained in Section 3.0, the requirements of this section shall apply to all Billboard Signs.
- 12.02 Billboard Signs shall only be permitted on properties zoned Agricultural, Industrial and Highway Commercial as defined in the Zoning By-law.
- 12.03 Only one (1) Billboard Sign shall be permitted on a property.
- 12.04 The maximum area of a Billboard Sign shall not exceed 18.5 sq.m. (200 sq.ft.).
- 12.05 A Billboard Sign shall not be located within 300 m (984.0 sq.ft.) distance from another Billboard Sign.
- 12.06 A Billboard Sign shall not be located within 152.5 m (500 ft.) distance from a residential use.
- 12.07 A Billboard Sign shall not be closer to the street line than the front of the nearest building on the property or setback requirement for the zone, whichever is greater.
- 12.08 All Billboard Signs shall be maintained in a neat and clean manner free from any loose materials at all times.

## **13.0 Awnings and Canopies**

- 13.01 Awnings and Canopies may be erected provided that:
- (a) the lowest point is at least 2.5 m (8.2 ft) above the level of any pedestrian walkway and 4.5 m (14.5 ft) above the travelled portion of a street.
  - (b) the maximum projection of the Awning or Canopy shall be no greater than 2.0 m (6.56 ft) beyond the face of the wall to which it is attached and extend no closer than 1.0 m (3.28 ft) to the vertical plane projected up from the street line. All such awnings or canopies overhanging municipal property shall be approved by a resolution of Council where such overhang exceeds .3 m (1.0 ft);
  - (c) in cases where it is planned that a street will be widened in the future, any new awning or canopy shall be constructed in relation to the proposed property line so as to comply with the requirements of this By-law as if the street has been widened.
- 13.02 Existing Awnings or Canopies shall be required to comply with this By-law within sixty (60) days of the completion of the widening of the street and after receiving official notification from the Chief Building Official.
- 13.03 Every Awning or Canopy shall be constructed and erected so as to be collapsible or rigid. If collapsible, to be rolled or folded back to a position flat against the building.
- 13.04 Every Awning or Canopy shall be securely attached to the building wall or structure with proper fastening devices and shall not be dependent for support on any cornice, window sill, frame or other projection.

**14.0 Administration and Enforcement:**

- 14.01 This by-law shall be administered and enforced by the Chief Building Official.
- 14.02 A By-law Enforcement Officer may enter upon any lands at any reasonable time to inspect all signs for the purpose of determining or effecting compliance with this By-law.
- 14.03 Upon the erection of any sign, the owner/agent shall notify the Chief Building Official for inspection.
- 14.04 If after an inspection, a By-law Enforcement Officer is satisfied that a sign has been erected in contravention of any of the provisions of this By-law, or of the conditions of a permit issued pursuant to this By-law, the By-law Enforcement Officer may issue an order requiring the Owner to remedy such contraventions as may be outlined in the order.
- 14.05 An Order issued under Subsection 14.04 shall contain:
- (a) the municipal address and/or the legal description of the property on which the non-complying sign was erected;
  - (b) a description of the by-law and/or permit provisions that have not been complied with;
  - (c) a statement that the sign must be brought into compliance with the provisions of this By-law and/or the conditions of the permit issued for the sign or to remove the sign within the time specified;
  - (d) a statement that if the order is not complied with, the sign may be removed and disposed of by the Municipality at the expense of the owner.
- 14.06 An order issued under Subsection 14.04 shall be served personally on the owner or by prepaid registered mail to the last known address of the owner as shown on the municipal tax roll.
- 14.07 Any costs incurred by the Municipality under Subsection 14.04 and Subsection 3.10 may be recovered in like manner and with the same priority as municipal taxes.
- 14.08 Any sign erected on property owned by the Municipality or property managed by a public utility or local board without consent of the Municipality, public utility or local board, may be, removed and disposed of by the Municipality without prior notice at the expense of the owner.
- 14.09 No person shall obstruct a By-law Enforcement Officer or any agent of the Municipality while they are carrying out their duties under this By-law.
- 14.10 Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction to a fine not exceeding five thousand dollars (\$5000.00) exclusive of costs for each offence recoverable under the *Provincial Offences Act*, R. S.O. 1990, c. P.33, (hereinafter called the "Act") as amended.
- 14.11 Notwithstanding Subsection 14.10, every person who contravenes any provision of this By-law is guilty of an offence and may, at the option of the Municipality, be prosecuted pursuant to the provisions of Part 1 of the *Provincial Offences Act*, and upon conviction therefore is liable to a set fine as determined in accordance with the procedure delineated in the said Act and regulations passed thereunder.
- 14.12 It is hereby declared that each and every part of the foregoing provisions of this By-law are severable. If any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions herein shall remain in full force and effect.

**15.0 Minor Variance**

- 15.01 The staff appointed Committee of Adjustment of the Municipality is hereby appointed a Standing Committee of the Council for the purpose of enquiring into and reporting on any applications for minor variances from the provisions of this By-law.
- 15.02 The Committee may recommend that any application be refused or that such relief as it considers appropriate to be granted either absolutely or subject to conditions.
- 15.03 The Committee is directed to follow its usual procedure on such application, as may be practical.
- 15.04 The Clerk shall place all reports made by the Committee of Adjustment under this section before the Council for approval.
- 15.05 The Council's usual rules respecting delegations will apply to persons desiring to make representations in support of or against a Committee of Adjustment recommendation made under this section.

**16.0 Repeals and Effective Date**

- 16.01 In addition to the following bylaws being repealed, any prior by-law that is inconsistent with the terms of this by-law is hereby repealed.



Town of Blenheim By-law No. 1763  
City of Chatham By-law No. 8418  
City of Chatham By-law No. 10459  
City of Chatham By-law No. 10485  
Township of Dover By-law No. 87-61  
Town of Dresden By-law No. 1153  
Village of Thamesville By-law No. 897-80  
Town of Tilbury By-law No. 2256-96  
Town of Wallaceburg By-law No. 89-68  
Village of Wheatley By-law No. 961  
Municipality of Chatham-Kent By-law No. 219-2003

16.02 This By-law shall come into full force and effect on the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 5<sup>th</sup> day of July, 2004.

**SIGNED**

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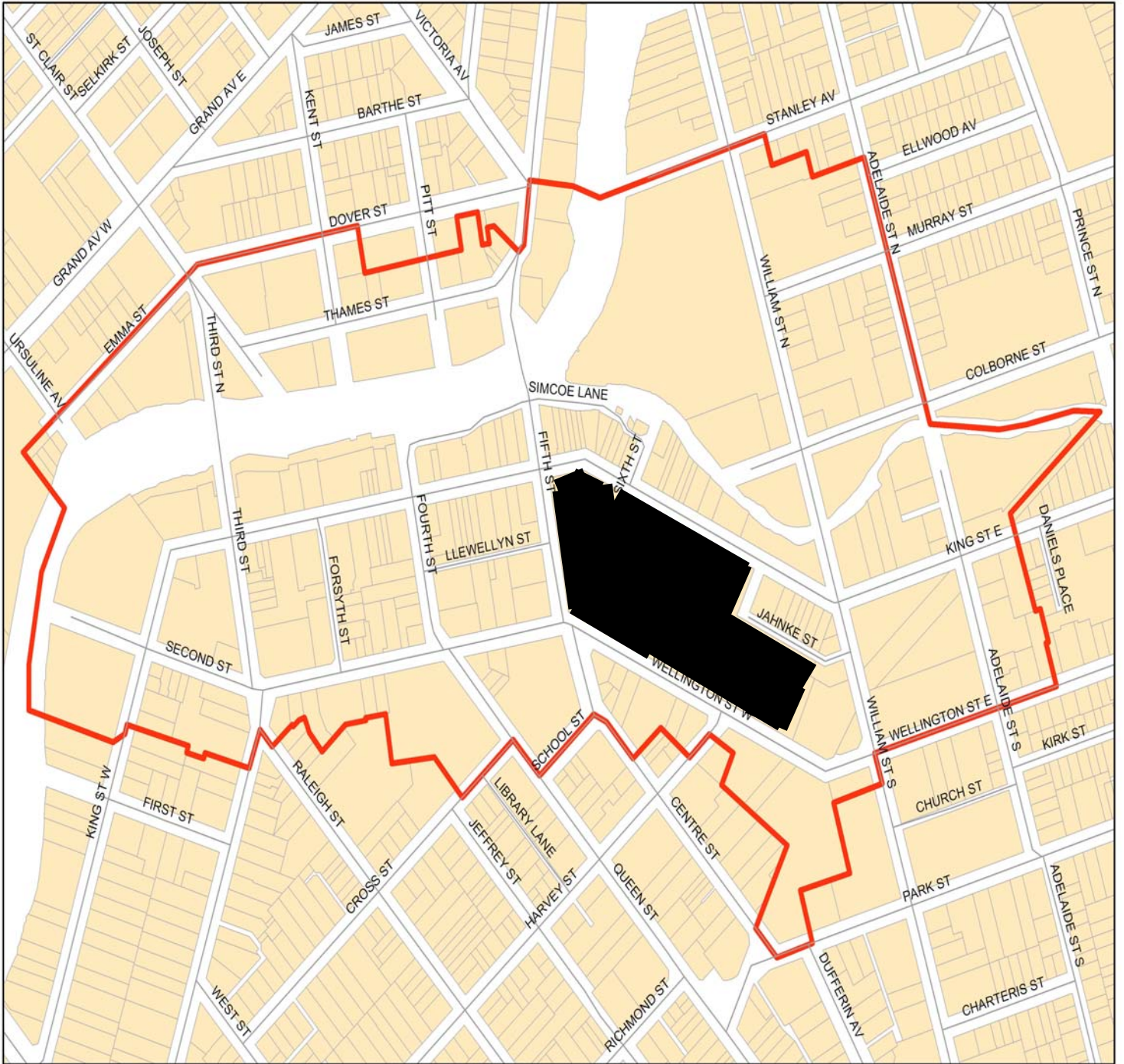
DIANE GAGNER, Mayor


**SIGNED**

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ELINOR MIFFLIN, Clerk

# Schedule A



 Area Exempt from Section 11 of this By-law

## Schedule B

Permitted additional colours:

Benjamin Moore Number:

291

346

448

567

1308

1631

1666

1679

1680

and Gold Leaf