

# The Corporation of the Town of Essex

## By-Law Number 2167

Being a by-law regulating the erection  
of signs within the geographical  
boundaries of the Town of Essex

**WHEREAS** Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (“Municipal Act, 2001”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** Section 11(3)7 of the Municipal Act, 2001 authorizes the municipality to pass by-laws respecting signs;

**AND WHEREAS** Section 63 of the Municipal Act, 2001 provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

**AND WHEREAS** Sections 425 and 429 of the Municipal Act, 2001 authorizes a municipality to pass by-laws providing that any person who contravenes a by-law of the municipality is guilty of an offence, and to prescribe fines in connection with such offences;

**AND WHEREAS** Section 445 of the Municipal Act, 2001 provides further authority for a municipality to make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS** the Council of The Corporation of the Town of Essex desires to regulate signage within the geographical boundaries of the Town of Essex for the purposes of public safety and public aesthetics;

**NOW THEREFORE** be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

### 1.0 SHORT TITLE

1.1 This By-Law may be referred to as the “Sign By-Law”.

### 2.0 DEFINITIONS

2.1 **“Abandoned Sign”** means a Sign which may have formerly identified, but no longer correctly identifies, the Business, commodity, service or Use presently conducted, sold or offered on the Property. A Sign shall be deemed to be an Abandoned Sign ninety (90) days after such activity is discontinued.

2.2 **“Accessible Parking Space Sign”** means a Sign that identifies an accessible parking space reserved for persons with disabilities.

2.3 **“Area”** when used with reference to a Sign means the total dimensional area of the sign, exclusive of the supporting structure. When the Sign is frameless, composed of individual letters, numerals or symbols or any combination of them, the area is determined by calculating the area surrounding the totality of the letters, numerals and symbols.

- 2.4 **“Banner Sign”** means any Sign made of cloth, paper or fabric supported by ropes, wires and/or cords attached to a building or other structure used for identification of the Property and the Use(s) on it, for advertising an on-site product or service, an on-site or off-site charitable or social event or any combination of them.
- 2.5 **“Billboard”** means a Freestanding Off-Site Sign permanently affixed to the ground used to identify or advertise an off-site Use, activity, product or service. It is Illuminated or Non-Illuminated but does not comprise either in whole or in part an Electronic Media Sign.
- 2.6 **“Business”** means an organization or enterprising entity engaged in commercial, industrial or professional activities.
- 2.7 **“By-Law Enforcement Officer”** means any Person authorized or appointed by a municipal by-law of the Town of Essex to enforce the provisions of this By-Law or any other person assigned or appointed by the Town to administer or enforce this By-Law, which shall include, but is not limited to, the Chief Building Official.
- 2.8 **“Celebratory Sign”** means a Feather Sign, Inflatable Sign, object or cluster of objects temporarily placed specifically to announce the celebration of a Person or event of limited duration.
- 2.9 **“Changeable Copy”** means individual letters, numbers and symbols that can be physically mounted on a display panel to convey a message.
- 2.10 **“Changeable Copy Portable Sign”** means a Non-Illuminated Sign, supported by wheels or legs for ease of movement and relocation, with a sign face capable of accommodating Changeable Copy, used for identification of the Property and the Use(s) on it, for conveying on-site information or direction and/or for advertising a product or service or any combination of them.
- 2.11 **“Clear Height”** means the distance from the highest elevation of the ground below the Sign to the lowest elevation of the Sign, exclusive of a supporting pole or poles, intended to maintain horizontal lines of sight.
- 2.12 **“Commercial Purposes”** means to advertise or promote a Business, Use, activity, event or product for profit or gain.
- 2.13 **“Construction Site Sign”** means a temporary Sign that identifies the development, the developer, the project contractors and/or the real estate agency, and it may also include, in combination therewith, advertising and promotional information related to the development, a site plan or development plan, as well as warning, restricted access and directional signage.
- 2.14 **“Council”** means the Council of The Corporation of the Town of Essex.
- 2.15 **“Daylight Triangle”** means a triangular shaped area on a lot measured 9.5 metres (31 feet) along both rights-of-way from the point of intersection of the travelled portion of two roads or a road and a driveway to maintain horizontal lines of sight.
- 2.16 **“Designate”** means a Person authorized by Council to permit the erection or placement of a Sign that is not generally permitted by this By-Law or to remove a Sign in contravention of this By-Law.
- 2.17 **“Directional Sign”** means a Sign displaying the requisite directional information to a site, location or Use on the Property and may include therewith the name of the facility.
- 2.18 **“District”** has the same meaning as contained in the Zoning By-Law Number 1037, as may be amended from time to time.



- 2.19 **“Election Sign”** has the same meaning as contained in the Election Sign By-Law Number 2038, as may be amended from time to time.
- 2.20 **“Electronic Media Sign”** means a Sign or part of a Sign, exclusive of a Flashing Sign, comprising a video monitor, electronically energized display matrix, such as liquid crystal displays, light emitting diodes or similar electronic or computer generated technology for the display of images conveying words, logos and/or numbers in an animated format used for the purpose of conveying a message.
- 2.21 **“Feather Sign”** means a Celebratory Sign being a fabric Sign attached to a single pole forming the general shape of a bird’s feather intended for temporary placement in the ground for a special event of limited duration.
- 2.22 **“Fees and Charges By-Law”** means the by-law passed by Council setting the fees and charges for municipal services, as may be amended from time to time.
- 2.23 **“Flashing Sign”** means a Sign with flashing lights, rotating lights, animated lights or lights of varying colour and/or intensity that are intended to attract attention.
- 2.24 **“Freestanding”** means wholly supported by the ground.
- 2.25 **“Grade”** means the natural lay of the land, the average ground elevation or the established grade of the property.
- 2.26 **“Ground Sign”** means a Freestanding Sign of limited Height above the Grade, permanently affixed to the ground used for identification of the Property and the Use(s) on it, conveying on-site information or direction and/or for advertising of an on-site product or service, an on-site or off-site charitable event or any combination of them.
- 2.27 **“Height”** means the height of the Sign from the ground immediately below it to the highest point of the Sign above the ground.
- 2.28 **“Home Occupation”** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a Use secondary to the residential Use of the building.
- 2.29 **“Image”** when used in reference to an Electronic Media Sign means the image (frame) displayed on the Electronic Media Sign or panel forming part of the Sign.
- 2.30 **“Inflatable Sign”** mean a Celebratory Sign being an inflated device, tethered to the ground or to any building or structure, intended to attract attention to advertise an event.
- 2.31 **“Illuminated”** means a Sign where the Sign or portion of it is lighted in whole or in part by artificial means in one of the following manners:
- a) external illumination, where the Sign reflects light from an external light source directed intentionally on it;
  - b) internal illumination, where the Sign is illuminated by a light source located within the Sign enclosure; or
  - c) a Sign composed of light strips illuminated from within by light emitting diodes or neon gas.
- 2.32 **“Illuminated Sign”** means a Sign that is Illuminated, but does not include a Flashing Sign, Projection Sign or an Electronic Media Sign.
- 2.33 **“Instructional Sign”** means a Sign exclusively intended and used to convey instructions on the Use of a facility or service, typically located as a Ground Sign adjacent to a drive through lane or on building wall.

- 2.34 **“Menu Board”** means a Ground Sign or Wall Sign conveying information as to the on-site services or products offered, which may include a communication system.
- 2.35 **“Non-Accessory Sign”** means a Sign which does not relate to any activity, Use, product or service located on the Property on which the Sign is located.
- 2.36 **“Non-Illuminated”** means a Sign that is not intentionally Illuminated.
- 2.37 **“Official Sign”** means a Sign required or erected under any statute, regulation, by-law or directive of any federal, provincial or municipal government or agency, board or commission.
- 2.38 **“Off-Site”** means a Sign which describes or advertises a land Use, product, event or service not located on the same property as the Sign.
- 2.39 **“On-Site”** means a Sign which describes or advertises a land Use, product, event or service located on the same property as the Sign.
- 2.40 **“Person”** means any individual, corporation, partnership, or association.
- 2.41 **“Plaque”** means an ornamental tablet, commemorating a Person, place or event and typically of metal, porcelain or wood, affixed to a wall or support post.
- 2.42 **“Pole Sign”** means a Freestanding Sign permanently affixed to the ground by a pole or poles, with or without decorative cladding, used for identification of the Property and the Use(s) on it, conveying on-site information or direction, and/or advertising an on-site product or service, an on-site or off-site charitable event or any combination of them.
- 2.43 **“Portable Sign”** means a Freestanding Sign not permanently affixed to the ground or to a building such that it can be moved freely from place to place.
- 2.44 **“Projecting Sign”** means a Sign affixed at one or more points to a wall with two or more Sign faces projecting from the wall. A canopy, marquee or awning with a Sign face area is also deemed to be a Projecting Sign.
- 2.45 **“Projection Sign”** means the projecting of an image onto a wall or other surface to serve as a Sign.
- 2.46 **“Property”** means a lot or a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex in the Registry of Land Titles Division.
- 2.47 **“Public Property”** means Property, buildings or structures owned or occupied by The Corporation of the Town of Essex, The Corporation of the County of Essex, the Province of Ontario, the Government of Canada, or one of its agencies, divisions, or entities and commonly a reference to parks, playgrounds, streets, sidewalks, schools, libraries and other property regularly used by the public.
- 2.48 **“Real Estate Sign”** means a temporary Portable Sign advertising the sale, lease or rental of a Property and located thereon.
- 2.49 **“Real Estate Open House Sign”** means a temporary Non-Illuminated portable Real Estate Sign used for the advertising of an open house event for the sale, rental or lease of a Property.
- 2.50 **“Roof Sign”** means any Sign that is located on or supported by the roof or parapet of any building.
- 2.51 **“Sign”** means any device, including all its component parts and supporting structure, erected and used or capable of being used to:

- a) identify the Property and the Use(s) on it;
  - b) convey information or direction; and/or
  - c) advertise a Use, event, activity, service or product.
- 2.52 **“Sign Permit”** means a permit to erect or place a Sign within the Town of Essex issued in accordance with the provisions of this By-Law.
- 2.53 **“Sign Owner”** means the Person who owns, rents or leases the Sign. Where there is no known owner of the Sign, or such Person cannot be determined with certainty, the Sign Owner shall be deemed to be the Person having authority over the associated Use or deriving the majority benefit from the Sign. If such Person is unknown, the Sign Owner shall be deemed to be the registered owner of the land upon which the Sign is situated.
- 2.54 **“Sign Supplier”** means the Person who sells, rents or leases a Sign to a Business or other tenant or Property owner.
- 2.55 **“Small Portable Sign”** means a Non-Illuminated Sign constructed of one or two panels of wood, metal or plastic, either connected at the top such that the Sign will stand freely in an A-shaped position or otherwise, designated for temporary placement and is portable by the efforts of one person. It may be a Changeable Copy Portable Sign.
- 2.56 **“Special Event Sign”** means a Non-Illuminated portable or removable single sided or double sided Sign temporarily placed on a Property specifically and exclusively for a onetime special occasion or event. It does not include a Small Portable Sign.
- 2.57 **“Street Frontage”** means the exterior lot line of the lot having frontage on a public road or highway.
- 2.58 **“Town”** or **“Town of Essex”** means The Corporation of the Town of Essex or the geographical area of the Town of Essex, as the context may suggest.
- 2.59 **“Treasurer”** means the Treasurer of The Corporation of the Town of Essex.
- 2.60 **“Unsafe”** means structurally inadequate, faulty or in a condition or location that could be hazardous to any Person.
- 2.61 **“Use”** when used as a noun in conjunction with the words zone, residential, employment, industrial, commercial, institutional, agricultural, open space, or similar words shall mean such uses as may be permitted under the Zoning By-Law Number 1037, as may be amended from time to time.
- 2.62 **“Use”** when the purpose for which a lot, building or structure or any combination or part thereof is designed, arranged, occupied or maintained, means to put to such purpose.
- 2.63 **“Yard Sale Sign”** means a Portable Sign used to advertise the sale of personal belongings and residential contents from inside and outside of the dwelling located on the same property as the site of the yard sale.
- 2.64 **“Wall Sign”** means a single face Sign, where the Sign face or individual letters and symbols forming a Sign are mounted to a building wall and parallel to it, used for identification of the property and the use(s) on it, for conveying on-site information or direction and, in part, for advertising an on-site product, activity or service or any combination of them.

### 3.0 SCOPE AND APPLICATION

- 3.1 Unless otherwise stated, this By-Law shall apply to all **Signs** within the geographic boundaries of the Town of Essex.
- 3.2 This By-Law regulates the location, size, number, construction, alteration, repair, maintenance and replacement of all exterior **Signs**, **Signs** visible from the exterior of a building or structure, including **Signs** located in windows, and other advertising devices, temporary or permanent, on all lands, buildings and other structures within the geographical boundaries of the **Town of Essex**.
- 3.3 The provisions of this By-Law may be enforced by a **By-Law Enforcement Officer**.
- 3.4 References in this By-Law to any legislation or by-law means as may be amended or replaced from time to time and include any regulations thereunder.
- 3.5 Responsibility for compliance with this By-Law rests both individually and collectively on **Sign Owners**, **Sign Suppliers**, applicants of a **Sign Permit**, and holders of a **Sign Permit**.

### 4.0 GENERAL PROVISIONS

- 4.1 Every **Person** who erects, places, alters, or replaces a **Sign** within the **Town of Essex**, and every **Person** who permits the erection, placing, altering, or replacing of a **Sign**, shall ensure that such **Sign** is erected, placed, altered, or replaced in compliance with the provisions of this By-Law including the regulations set out in the schedules to this By-Law and every table contained therein.
- 4.2 No **Person** shall:
  - a) erect, place, alter, replace or permit the erection or placing of a **Sign** which is not specifically permitted under this By-Law;
  - b) erect, place, alter, replace or permit the erection or placing of a **Sign** without a **Sign Permit** if a **Sign Permit** is required under this By-Law;
  - c) erect, place or permit the placing of a **Sign** for which a **Sign Permit** has been issued except in accordance with the approved drawings submitted to the **Town** as part of the **Sign Permit** application;
  - d) erect, place or permit the placing of a **Sign** in a manner inconsistent with the conditions of any **Sign Permit**;
  - e) erect, place or permit the placing of a **Sign** or advertisement on a vehicle or trailer which is parked or located for the primary purpose of displaying the said **Sign** or advertisement;
  - f) erect, place or permit the placing of a **Sign** which is on or overhangs **Town Property**, unless specifically authorized by this By-Law;
  - g) erect, place or permit the placing of a **Sign** on any pole, bench or waste receptacle managed or controlled by the **Town** except pursuant to a contract for placement with the **Town**;
  - h) erect, place or permit the placing of a **Sign** in any location where such **Sign** may impede or in any way interfere with utility easements, public rights-of-way, snow removal, street cleaning, and/or maintenance operations;

- i) erect, place or permit the placing of a **Sign** upon any pole, traffic sign, or control box which is located within the road allowance and which is managed or controlled by the **Town** or by a public utility;
- j) erect, place or permit the placing of a **Sign** upon any tree, fence, gate or railing unless otherwise specifically permitted by this By-Law;
- k) erect, place or permit the placing of a **Sign** that obstructs any traffic sign or device from the view of any pedestrian or driver of a vehicle, or which interferes with vehicular traffic in a manner that may endanger any person;
- l) erect, place or permit the placing of a **Sign** which obstructs or impedes any flue, air intake or exhaust, window or door, a fire exit or fire escape;
- m) erect, place or permit the placing of a **Sign** determined by a **By-Law Enforcement Officer** to be placed for a vexatious reason or in a vexatious or obtrusive manner;
- n) fail to turn off an **Illuminated Sign** when malfunctioning;
- o) fail to maintain a **Sign** in good repair in a structurally sound condition;
- p) fail to remove, alter or repair a **Sign** which is not in compliance with this By-Law when so directed by a **By-Law Enforcement Officer**;
- q) obstruct or attempt to obstruct a **By-Law Enforcement Officer**.

## 5.0 SIGN PERMITS

- 5.1 To obtain a **Sign Permit**, the applicant will remit the applicable fee payment as set out in the Building By-Law Number 707, as may be amended from time to time, and/or the and submit two sets of drawings and specifications for the **Sign**, a plan to scale showing the location of the **Sign** on the **Property**, building or other structure, and, if required by a **By-Law Enforcement Officer**, structural drawings which have been stamped by a Registered Professional Engineer.
- 5.2 If a **Sign** is in whole or in part such that its placement is subject to the approval of an agency or authority having jurisdiction, which is not the **Town of Essex**, prior written approval from that agency or authority is required before the issuance of a **Sign Permit** will be considered.
- 5.3 A **Sign Permit** will expire six (6) months after its issuance if no action to place or erect the **Sign** has commenced to the satisfaction of a **By-Law Enforcement Officer**. The **Sign Permit** may be extended up to an additional six (6) months if work has commenced to the satisfaction of a **By-Law Enforcement Officer**.
- 5.4 The applicant for a **Sign Permit** and the owner and occupant of the land to which the **Sign** is appurtenant shall jointly and severally indemnify The Corporation of the Town of Essex and each of its officers, employees and agents from all loss, damage, costs, expenses, claims, demands, actions, suits and/or other proceedings of every nature and kind arising from and in consequence of the construction, alteration, maintenance, repair and/or removal of the **Sign** once the **Sign Permit** has been issued.
- 5.5 A **Sign Permit** may be revoked by written or emailed notice to the applicant at any time after its issuance, when, in the opinion of a **By-Law Enforcement Officer**:
  - a) it is subsequently determined that the work does not comply with the provisions of this By-Law or the Building Code of Ontario or such other applicable legislation;

- b) where the information provided in or with the **Sign Permit** application was deemed to be false or misleading; or
- c) the **Sign Permit** was issued in error.

## 6.0 PROHIBITED SIGNS

6.1 The following Signs are not permitted in any **District**:

- a) an **Abandoned Sign**;
- b) a **Billboard**, if not specifically permitted by **Council** through a site-specific by-law which approvals shall be denoted in Schedule "C" to this By-Law which may change from time to time when new locations are added and old locations are removed;
- c) a **Projection Sign** or a **Flashing Sign**, if not specifically permitted by formal approval of **Council** for special events;
- d) a **Special Event Sign**, if it is in public view outside of the period set out in the **Sign Permit** or stated limit set out in this By-Law otherwise, or if it displays information contrary to the information contained in the application, in respect of which the **Sign Permit** was issued;
- e) a **Roof Sign**;
- f) any **Sign** placed in a public right-of-way or other **Public Property** without the express permission of **Council** and/or other public authority having jurisdiction; and
- g) a moving, swinging, revolving or rotating **Sign**, if not specifically permitted by a special provision in this By-Law.

## 7.0 SIGNS PERMITTED IN PUBLIC RIGHTS-OF-WAY

7.1 The **Non-Illuminated Signs** specified in Table 1 of Schedule "A" of this By-Law are permitted in public rights-of-way under the jurisdiction of the **Town**.

7.2 An application for the erection or posting of a **Sign** within the public rights-of-way shall be accompanied by an explanation as to the purpose of the **Sign**, the length of time the **Sign(s)** will be in place and an application fee, as set out in the Building By-Law Number 707, as may be amended from time to time.

- a) The **Sign Permit** issued for the event shall specify the name or purpose of the event, the length of time that the **Sign(s)** may be placed, when they shall be removed, setback restrictions, and the number of **Sign(s)** that may be placed in the public rights-of-way.
- b) Each **Sign** shall be a **Portable Sign** placed by hand in or on the ground, have a maximum **Sign Area** of 0.8 square metres on each side and it shall specify the date(s) on which the event is being held.

7.3 **Businesses** and other organizations that have the permission of **Council** to place **Special Event Signs** on an annual basis in the public rights-of-way, in accordance with the provisions of Section 7.2 of this By-Law, are listed in Schedule "D" of this By-Law. This list may change from time to time when new approvals are added, and previous approvals are rescinded.

## 8.0 SIGNS PERMITTED IN ALL DISTRICTS

- 8.1 Subject to Sections 6 and 7 of this By-Law, the **Non-Illuminated Signs** specified in Table 2 of Schedule "A" of this By-Law are permitted in all **Districts**.
- 8.2 Subject to the provisions of Section 8.1 of this By-Law, a **Sign Permit** is not required for a **Sign** listed in Table 2 of this By-Law, except for a **Construction Site Sign** having a **Sign Area** of greater than 3.0 square metres on each side and/or a height of greater than 2.0 metres above the ground.

## 9.0 OTHER SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

- 9.1 Subject to Sections 6, 7, 8 and 14 of this By-Law, the **Signs** specified in Table 3 of Schedule "A" of this By-Law are permitted in Residential **Districts**.

## 10.0 OTHER SIGNS PERMITTED IN COMMERCIAL DISTRICTS

- 10.1 Subject to Sections 6, 7, 8 and 14 of this By-Law, the **Signs** specified in Table 4 of Schedule "A" of this By-Law are permitted in Commercial **Districts**.
- 10.2 Within Commercial **Districts**, one **Ground Sign** or one **Pole Sign**, but not both together, is permitted per street frontage subject to the applicable regulations, unless otherwise permitted by this By-Law.
- 10.3 Where the **Property** has a street frontage of 45.0 metres or greater in length, on that street frontage there may be a combination of one **Ground Sign** and one **Pole Sign** or two of the same **Sign** types, each **Sign** being in conformity with the provisions of this By-Law.
- 10.4 A **Pole Sign**, an **Electronic Media Sign**, and a **Changeable Copy Portable Sign**, exclusive of a **Small Portable Sign**, are not permitted on **Properties** fronting on:
- a) Talbot Street from Victoria Avenue to Laird Avenue (Essex Centre);
  - b) Centre Street from Talbot Street to Alice Street (Essex Centre);
  - c) Laird Avenue from Talbot Street to Alice Street (Essex Centre);
  - d) Wilson Avenue from Talbot Street to Fox Street (Essex Centre);
  - e) Gordon Avenue from Talbot Street to Fox Street (Essex Centre);
  - f) King Street from Walnut Street to Erie Street (Harrow); and
  - g) Queen Street from King Street to Sinasac Street (Harrow).
- 10.5 An **Electronic Media Sign** is not permitted in Commercial **Districts**:
- a) if used as a **Flashing Sign**;
  - b) if located within 20 metres of the intersection of two street rights-of-way having traffic signals;
  - c) if the **Image** duration is less than 180 seconds and the transition time between **Images** is more than one second in duration;
  - d) if the luminance of the **Sign** display exceed, as measured at point 10 metres from the **Sign**:
    - i) 0.3 footcandles or 300 nits (300 cd/m<sup>2</sup>) above ambient light conditions, during the hours between dusk and dawn; and

- ii) 465 footcandles or 5000 nits (5000 cd/m<sup>2</sup>) above ambient light conditions, during the daytime hours;
- e) if it does not have an ambient light monitor which continuously monitors and automatically adjusts the brightness level of the display consistent with the regulations of this By-Law; and
- f) if it is not certified annually for full compliance with the brightness level provisions of this By-Law.

## 11.0 OTHER SIGNS PERMITTED IN INSTITUTIONAL AND MANUFACTURING DISTRICTS

- 11.1 Subject to Sections 6, 7, 8 and 14 of this By-Law, the **Signs** specified in Table 5 of Schedule "A" of this By-Law are permitted in Institutional **Districts** and Manufacturing **Districts**.
- 11.2 Within Institutional **Districts** and Manufacturing **Districts**, one **Ground Sign** or one **Pole Sign**, but not both together, is permitted per street frontage subject to the applicable regulations, unless otherwise permitted by this By-Law.
- 11.3 Where the **Property** has a street frontage of 45.0 metres or greater in length, on that street frontage there may be a combination of one **Ground Sign** and one **Pole Sign** or two of the same **Sign** types, each **Sign** being in conformity with the provisions of this By-Law.
- 11.4 An **Electronic Media Sign** is not permitted in Institutional **Districts** and Manufacturing **Districts**:
- a) if used as a **Flashing Sign**;
  - b) if located within 20 metres of the intersection of two street rights-of-way having traffic signals;
  - c) if the **Image** duration is less than 180 seconds and the transition time between **Images** is more than one second in duration;
  - d) if the luminance of the **Sign** display exceed, as measured at point 10 metres from the **Sign**:
    - i) 0.3 footcandles or 300 nits (300 cd/m<sup>2</sup>) above ambient light conditions, during the hours between dusk and dawn; and
    - ii) 465 footcandles or 5000 nits (5000 cd/m<sup>2</sup>) above ambient light conditions, during the daytime hours;
  - e) if it does not have an ambient light monitor which continuously monitors and automatically adjusts the brightness level of the display consistent with the regulations of this By-Law; and
  - f) if it is not certified annually for full compliance with the brightness level provisions of this By-Law.

## 12.0 OTHER SIGNS PERMITTED IN AGRICULTURAL DISTRICTS

- 12.1 Subject to Sections 6, 7, 8 and 14 of this By-Law, the **Signs** specified in Table 6 of Schedule "A" of this By-Law are permitted in Agricultural **Districts**.



### 13.0 OTHER SIGNS PERMITTED IN GREEN, LANDFILL, NATURAL ENVIRONMENT AND WETLAND DISTRICTS

13.1 Subject to Sections 6, 7, 8 and 14 of this By-Law, the **Signs** specified in Table 7 of Schedule "A" of this By-Law are permitted in Green **Districts**, Landfill **Districts**, Natural Environment **Districts**, and Wetland **Districts**.

### 14.0 SPECIAL SIGNS

14.1 The following **Signs** are permitted when associated with a permitted **Use** in the respective **District** in which the **Use** is located:

- a) a **Non-Illuminated Accessible Parking Space Sign** shall be provided for each accessible parking space in accordance with *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, and shall be mounted on a post such that the height of the center of the **sign** is between 1.5 metres and 1.8 metres above the ground and the **Sign** face is directly visible from the accessible parking space;
- b) a **Directional Sign** and a **Instructional Sign, Illuminated or Non-Illuminated**, for any other **Use** with drive through or drive in facilities as necessary to aid any person using the facility, subject by size to the regulations of a **Ground Sign** and a **Wall Sign** in Commercial **Districts**;
- c) a gas bar canopy **Sign, Illuminated or Non-Illuminated**, over the pump islands with a maximum of 50 percent of the vertical surface of the pump island canopy used to identify the operator and/or company; and
- d) one **Menu Board, Illuminated or Non-Illuminated**, and one product advertising **Ground Sign**, or a combination thereof, subject to the regulations of a **Ground Sign** and a **Wall Sign** in Commercial **Districts**.

14.2 The provisions of this By-Law shall not apply to **Election Signs**.

14.3 A **Billboard** shall only be permitted by a site-specific by-law approved by **Council**. Guidelines setting out **Council** policies for the **Billboard's** design, location and content are contained in Schedule "B" to this By-Law for information purposes only. Such guidelines may be subject to change from time to time.

### 15.0 ENFORCEMENT

15.1 A **By-Law Enforcement Officer** shall give notice to the **Sign Owner** and/or **Sign Supplier**, served personally, by mail, email or posted on the **Sign** or **Property** on which the **Sign** is located, describing the nature of the contravention and ordering compliance or the immediate removal of the **Sign** to any **Person** who has:

- a) erected or caused to be erected any **Sign** without first having obtained a **Sign Permit** to do so, if a **Sign Permit** is required by this By-Law;
- b) obtained a **Sign Permit** and has erected or caused to be erected a **Sign** which is not in compliance with the approved plans for which a **Sign Permit** was issued; and/or
- c) erected a **Sign** not in compliance with the provisions of this By-Law, irrespective of whether a **Sign Permit** is required or not.

15.2 After an unsuccessful attempt to contact the **Sign Owner** and/or the **Sign Supplier** of the **Sign** in contravention of this By-Law, a **By-Law Enforcement**



**Officer** shall have the authority to remove the **Sign** using what legal means are available to the **Town**.

- 15.3 Failure to correct or to remove the contravening **Sign** within fifteen (15) days after the giving of notice may result, upon conviction, in a fine and the payment of legal costs incurred by the **Town**.
- 15.4 Notwithstanding any provision of this By-Law, where a **Sign** is deemed to be **Unsafe**, a **By-Law Enforcement Officer** may, at the **Sign Owner's** expense, proceed with the correction of the **Unsafe** condition, which may include the removal of the **Sign**, without prior notice to the **Sign Owner** or **Sign Supplier**.
- 15.5 Notwithstanding any provision of this By-Law, any **Sign** placed in whole or in part within a public right-of-way or on **Public Property** without the authorization of **Council** or its **Designate** can be removed and disposed of by a **By-Law Enforcement Officer** or other authorized agent of the **Town** without giving prior notification to the **Sign Owner** or **Sign Supplier**.
- 15.6 **Signs** placed on or secured to the ground and **Signs** placed on trees, public utilities or similar structures within a public right-of-way may be removed without prior notice and a **By-Law Enforcement Officer** has the option of notifying or not the **Sign Owner** and/or the **Sign Supplier** upon removal or not.
- 15.7 Every **Person** shall comply with any order or notice issued under the authority of this By-Law.

## **16.0 RECOVERY OF EXPENSES**

- 16.1 When the **Town** removes a **Sign** that contravenes this By-Law and it is unsuccessful in recovering the cost of removal from the **Sign Owner** or **Sign Supplier**, where the **Sign Owner** and the owner of the **Property** on which the **Sign** was located are one and the same, a copy of the unpaid invoice for any removal charges, together with a statement sent by the **Treasurer** indicating that:

- a) the invoice has been sent to the owner of the land and/or **Sign Owner** according to the information contained in the Collector's Roll;
- b) no payment or insufficient payment has been received for the invoice; and/or
- c) payment of the invoice is overdue

shall be sufficient authority to enter the amount of the unpaid balance on the Collector's Roll to be collected in the same manner as municipal taxes or by such other means available to the **Town**.

## **17.0 PENALTIES**

- 17.1 Every **Person** who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a fine and other such penalties pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended from time to time.
- 17.2 Each day on which a person contravenes any provision of this By-Law shall be deemed to constitute a separate offence under this By-Law as provided for in Section 429(2) of the Municipal Act, 2001.
- 17.3 Pursuant to the authority established in Section 429(2) of the Municipal Act, 2001, every **Person** who contravenes any provision of this By-Law is guilty of an offence

and upon conviction pursuant to Part III of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, shall be subject to the following penalties:

- a) Upon a first conviction is liable to a fine of not more than Two Thousand Dollars (\$2,000.00) for each offence;
- b) Upon subsequent conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) for each offence.

## **18.0 AMENDING SIGN REGULATIONS**

- 18.1 An application for an amendment to this By-Law for special regulations that differ from one or more of the provisions of this By-Law or for a **Sign** that is not permitted may be submitted to the **Town** for approval by **Council**. The application will be accompanied by the applicable fee as provided for and set out in the **Fees and Charges By-Law** and any drawings required by **Council** and an explanation as to why the applicable provisions of the By-Law cannot be met. Approval of the requested amendment(s), either in full or in part, or denial will be entirely at the **Council's** discretion. **Council** may approve an amendment to this By-Law by means of a site plan control agreement, by resolution or by a supplementary by-law, at its discretion.
- 18.2 Minor revisions to this By-Law solely to correct an error or for clarification may be made without prior approval of **Council**.

## **19.0 SEVERABILITY**

- 19.1 If a court of competent jurisdiction declares any provision or part of a provision of this By-Law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of **Council** in enacting this By-Law that the remainder of this By-Law will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

## **20.0 TRANSITION AND REPEAL**

- 20.1 All **Sign Permits** issued by the **Town of Essex** prior to the coming into force of this By-Law, for which **Sign Permits** are current and valid on the day this By-Law comes into force shall:
  - a) remain current and valid under this By-Law as if the **Sign Permit** had been issued under this By-Law, whether or not such **Sign Permit** would be authorized to issue following the coming into force of this By-Law;
  - b) subject to the foregoing, are otherwise subject to all of the provisions of this By-Law; and
  - c) on expiry of the **Sign Permit**, the subject **Signs** shall be subject to this By-Law as if no prior **Sign Permit** had been issued.
- 20.2 Every prosecution and other enforcement processes commenced pursuant to the predecessor to this By-Law shall, as necessary, be deemed to have been taken pursuant to this By-Law and every such action may be carried to its conclusion pursuant to the authority granted by this By-Law.
- 20.3 If a prosecution and/or other enforcement processes has been validly commenced pursuant to the predecessor to this By-Law and authority for such act does not exist pursuant to this By-Law, then such action may be continued to its conclusion and the portions of the predecessor to this By-Law necessary to permit such action

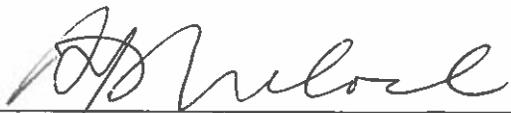
to be concluded shall be deemed to remain in effect for the purposes of bringing such action to a conclusion.

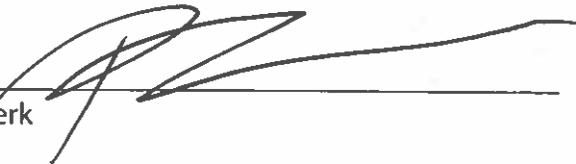
20.4 By-Law Number 1350 and all amendments thereto are otherwise repealed upon the final passage of this By-Law.

## 21.0 ENACTMENT

21.1 This By-Law shall come into full force and effect upon the final passing thereof.

**Read a first and a second time and provisionally adopted on August 22, 2022.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**Read a third time and finally passed on September 6, 2022.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

## Schedule "A" Referenced Tables

**Table 1 – Signs Permitted in Public Rights-of-Way**

	Sign Type	Applicable Provisions
a)	<b>Special Event Signs</b>	permitted exclusively with the express permission of <b>Council</b> , as set out in Section 7.2 of this By-Law.
b)	<b>Real Estate Open House Signs</b>	having a maximum sign area of 0.4 square metres on each side to be placed for not more than 2 days prior to the open house and during the event and removed immediately thereafter.

**Table 2 – Signs Permitted in All Districts**

	Sign Type	Applicable Provisions
a)	An <b>Accessible Parking Space Sign</b>	subject to the provisions of Section 14 of this By-Law.
b)	A <b>Business</b> identification <b>Sign</b> , no trespassing <b>Sign</b> , <b>Directional Sign</b> , safety, or other warning <b>Sign</b>	which has a maximum <b>Sign Area</b> of 0.8 square metres on each side and, if a <b>Ground Sign</b> , has a maximum height of 1.8 metres above the ground.  In a Residential <b>District</b> , a no trespassing or other warning <b>Sign</b> shall be limited to one <b>Sign per Property</b> or at the sole discretion of a <b>By-Law Enforcement Officer</b> .
c)	A <b>Celebratory Sign</b>	which may be on public display for a maximum of 3 days.
d)	One small project temporary <b>Construction Site Sign</b> per street frontage for contractors undertaking landscaping, repairs, or renovations	provided such <b>Sign</b> is placed not more than 7 days prior to the commencement of the project and is removed within 7 days after the project is completed.  has a maximum <b>Sign Area</b> of 0.8 square metres on each side and, if a <b>Ground Sign</b> , has a maximum height of 1.2 metres above the ground.
e)	One large scale development temporary <b>Construction Site Sign</b> per street frontage	for a residential subdivision or other residential development of greater than 20 dwelling units or for a non-residential or combined residential and non-residential development of greater than 1000 square metres of gross floor area.  has a maximum <b>Sign Area</b> of 5.0 square metres per side and a maximum height of 3 metres above the ground.
f)	One <b>Home Occupation Sign</b>	showing the name of the home occupation and may also include the home address, the service offered and hours of operation, but shall not be used for advertising purposes.  has a maximum <b>Sign Area</b> of 0.8 square metres per side and a maximum height of 1.8 metres above the ground.
g)	An <b>Official Sign</b>	
h)	A memorial or historical interest <b>Plaque</b>	
i)	An <b>On-Site or Off-Site Real Estate Sign</b>	announcing or providing place-finding information for a <b>Property</b> for sale, lease or rental.  has a maximum <b>Sign Area</b> of 0.8 square metres on each side and, if a <b>Ground Sign</b> , has a maximum height of 1.8 metres above the ground.



j)	An <b>On-Site</b> or <b>Off-Site</b> temporary <b>Special Event Sign</b>	if used exclusively for or by a public agency, charity, or other non-profit organization to advertise a specific upcoming event organized by it.  such <b>Sign</b> shall be located on the <b>Property</b> for not more than 30 consecutive days.
k)	One <b>Yard Sale Sign</b>	has a maximum <b>Sign Area</b> of 0.8 square metres on each side, and if a <b>Ground Sign</b> , has a maximum height of 1.2 metres above the ground.  to be placed for a maximum of 3 days.

**Table 3 – Other Signs Permitted in Residential Districts**

	Sign Type	General Provisions	Special Provisions
a)	<b>Ground Sign</b> (Sign Permit Required)	One <b>Illuminated</b> or <b>Non-Illuminated</b> identification <b>Ground Sign</b> , exclusively for a residential care facility, lodging home, multiple dwelling, residential compound, association, or subdivision.  Maximum height: - 2.0 metres above the ground.  Maximum <b>Sign Area</b> : - 2.0 square metres on each side.	A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> .  No <b>Ground Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.  The lighting of externally <b>Illuminated Ground Signs</b> shall be directed away from abutting lots and public road allowances.
b)	<b>Wall Sign, Canopy and Awning Sign</b> (Sign Permit Required)	Exclusively for a residential care facility, lodging home, or a multiple dwelling:  One <b>Illuminated</b> or <b>Non-Illuminated Wall Sign</b> having a maximum <b>Sign Area</b> of 2.0 square metres and/or a canopy or awning <b>Sign</b> .	A maximum of 50 percent of the <b>Wall Sign Area</b> may be a <b>Changeable Copy Sign</b> to advertise a vacancy or special event exclusively related to the facility.  The lighting of externally <b>Illuminated Wall Signs</b> shall be directed away from abutting lots and public road allowances.
c)	<b>Special Event Sign</b> (Sign Permit Not Required)	One <b>Non-Illuminated</b> temporary <b>Special Event Sign</b> , for a non-commercial celebratory event taking place on the <b>Property</b> .  Maximum <b>Sign Area</b> : - 4.0 square metres on each side.	Such <b>Sign</b> shall be located on the property for not more than 7 days prior to the event and is removed from the <b>Property</b> within 2 days after the day or last day of the event.  No <b>Special Event Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.
d)	<b>Real Estate Sign</b> (Sign Permit Not Required)	One <b>Non-Illuminated</b> temporary <b>Real Estate Sign</b> per street frontage.  Maximum <b>Sign Area</b> : - 0.8 square metres on each side.	



**Table 4 – Other Signs Permitted in Commercial Districts**

	Sign Type	General Provisions	Special Provisions
a)	<b>Ground Sign</b> (Sign Permit Required)	<p>One <b>Ground Sign, Illuminated or Non-Illuminated</b>, per street frontage.</p> <p>Maximum height:</p> <ul style="list-style-type: none"> <li>- 2.0 metres above the ground.</li> </ul> <p>Maximum width:</p> <ul style="list-style-type: none"> <li>- 3.0 metres.</li> </ul>	<p>A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> or an <b>Electronic Media Sign</b>.</p> <p>No <b>Ground Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.</p> <p>The lighting of externally <b>Illuminated Ground Signs</b> shall be directed away from abutting lots and public road allowances.</p>
b)	<b>Pole Sign</b> (Sign Permit Required)	<p>One <b>Pole Sign, Illuminated or Non-Illuminated</b>, per street frontage.</p> <p>Maximum height:</p> <ul style="list-style-type: none"> <li>- 4.5 metres above the ground for a lot having a frontage of 12 metres and less than 20 metres.</li> <li>- 6.0 metres above the ground for a lot having a frontage of 20 metres and less than 30 metres.</li> <li>- 6.0 metres above the ground for a lot having a frontage of 30 metres plus 1.0 metre for each additional 10 metres of lot frontage.</li> </ul> <p>Maximum width:</p> <ul style="list-style-type: none"> <li>- equal to 40 percent of the height of the <b>Sign</b> and its supporting structure.</li> </ul> <p>A <b>Pole Sign</b> is not permitted where the street frontage is less than 12.0 metres in width.</p>	<p>A maximum of 50 percent of the <b>Sign Area</b> on each side may be a <b>Changeable Copy Sign</b> or an <b>Electronic Media Sign</b>.</p> <p>It shall have a <b>Clear Height</b> of 2.4 metres and shall not project into a public right-of-way.</p> <p>The lighting of externally <b>Illuminated Pole Signs</b> shall be directed away from abutting lots and public road allowances.</p>
c)	<b>Wall Sign, Banner Sign, Projecting Sign</b> (including a canopy and awning <b>Sign</b> ) (Sign Permit Required)	<p>On an exterior wall of a building:</p> <ul style="list-style-type: none"> <li>- <b>Wall Signs and Banner Signs, Illuminated or Non-Illuminated.</b></li> <li>- <b>Projecting Sign</b> affixed to a wall and including a <b>Sign</b> on a canopy, marquee, or awning.</li> </ul>	<p>A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b>.</p> <p>A <b>Projecting Sign</b>, which is not a canopy, marquee, or awning, shall have a maximum projection of 1.2 metres from the wall to which it is attached and a maximum <b>Sign Area</b> of 0.8 square metres on each side.</p> <p><b>Wall Signs, Banner Signs, and Projecting Signs</b> shall not exceed, either individually or in combination, a total <b>Sign Area</b> equal to 25 percent of the area of the building wall on which they are located or anchored.</p>



			<p>The part of the canopy or awning that is not part of the <b>Sign</b> is not included in the calculation of the <b>Sign Area</b>.</p> <p>No <b>Wall Sign</b> or <b>Projecting Sign</b> shall extend above the eaves or parapet of the wall on which it is located.</p> <p>Each <b>Projecting Sign</b> shall have a minimum <b>Clear Height</b> of 2.4 metres.</p> <p>The lighting of externally <b>Illuminated Wall Signs</b> shall be directed away from abutting lots and public road allowances.</p>
d)	<p><b>Special Event Sign</b> (Sign Permit Required)</p>	<p>One <b>Non-Illuminated temporary Special Event Sign</b>, for an event taking place on the <b>Property</b>.</p> <p>Maximum <b>Sign Area</b>:</p> <ul style="list-style-type: none"> <li>- 4.0 square metres on each side.</li> </ul>	<p>A <b>Sign Permit</b> will be issued to a <b>Business</b> for a period of not less than 30 days and not more than 120 days per calendar year, 120 days being the maximum permitted period in which any temporary <b>Special Event Sign</b> shall be on public display on the property in each calendar year, except</p> <p>where a <b>Property</b> has 4 or more individual <b>Businesses</b> on it, a maximum of two <b>Special Event Signs</b> are permitted to be on public display at the same time.</p> <p>No <b>Special Event Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.</p>
e)	<p><b>Small Portable Sign</b> (Sign Permit Not Required)</p>	<p>One <b>Non-Illuminated Small Portable Sign</b> per <b>Business</b> establishment or other facility.</p> <p>Maximum <b>Sign Area</b>:</p> <ul style="list-style-type: none"> <li>- 0.4 square metres on each side.</li> </ul>	<p>Such <b>Sign</b> may be placed in the public right-of-way, but not within 1.8 metres of a utility pole, edge of curb, bench, planter, or other existing obstruction to pedestrian movement.</p>
f)	<p><b>Real Estate Sign</b> (Sign Permit Not Required)</p>	<p>One <b>Non-Illuminated temporary Real Estate Sign</b> per street frontage.</p> <p>Maximum <b>Sign Area</b>:</p> <ul style="list-style-type: none"> <li>- 2.0 square metres on each side.</li> </ul>	

NOTE: All Signs permitted within the Commercial District are subject to other regulations contained within this By-Law, including but not limited to, the provisions of Section 10 of this By-Law.



**Table 5 – Other Signs Permitted in Institutional & Manufacturing Districts**

	Sign Type	General Provisions	Special Provisions
a)	<b>Ground Sign</b> (Sign Permit Required)	<p>One <b>Ground Sign, Illuminated or Non-Illuminated</b>, per street frontage.</p> <p>Maximum height: - 2.0 metres above the ground.</p> <p>Maximum width: - 3.0 metres.</p>	<p>A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> or an <b>Electronic Media Sign</b>.</p> <p>No <b>Ground Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.</p> <p>The lighting of externally <b>Illuminated Ground Signs</b> shall be directed away from abutting lots and public road allowances.</p>
b)	<b>Pole Sign</b> (Sign Permit Required)	<p>One <b>Pole Sign, Illuminated or Non-Illuminated</b>, per street frontage.</p> <p>Maximum height: - 4.5 metres above the ground.</p> <p>Maximum width: - equal to 40 percent of the height of the <b>Sign</b> and its supporting structure.</p> <p>A <b>Pole Sign</b> is not permitted where the street frontage is less than 12.0 metres in width.</p>	<p>A maximum of 50 percent of the <b>Sign Area</b> on each side may be a <b>Changeable Copy Sign</b> or an <b>Electronic Media Sign</b>.</p> <p>It shall have a <b>Clear Height</b> of 2.4 metres and shall not project into a public right-of-way.</p> <p>The lighting of externally <b>Illuminated Pole Signs</b> shall be directed away from abutting lots and public road allowances.</p>
c)	<b>Wall Sign, Banner Sign, Projecting Sign</b> (including a canopy and awning <b>Sign</b> ) (Sign Permit Required)	<p>On an exterior wall of a building:</p> <ul style="list-style-type: none"> <li>- <b>Wall Signs and Banner Signs, Illuminated or Non-Illuminated.</b></li> <li>- <b>Projecting Sign</b> affixed to a wall and including a <b>Sign</b> on a canopy, marquee, or awning.</li> </ul>	<p>A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> used to advertise a vacancy or special event exclusively related to the facility.</p> <p>A <b>Projecting Sign</b>, which is not a canopy, marquee, or awning, shall have a maximum projection of 1.2 metres from the wall to which it is attached and a maximum <b>Sign Area</b> of 0.8 square metres on each side.</p> <p><b>Wall Signs, Banner Signs, and Projecting Signs</b> shall not exceed, either individually or in combination, a total <b>Sign Area</b> equal to 25 percent of the area of the building wall on which they are located or anchored. The part of the canopy or awning that is not part of the <b>Sign</b> is not included in the calculation of the <b>Sign Area</b>.</p> <p>No <b>Wall Sign</b> or <b>Projecting Sign</b> shall extend above the eaves or parapet of the wall on which it is located.</p>



			<p>Each <b>Projecting Sign</b> shall have a minimum <b>Clear Height</b> of 2.4 metres.</p> <p>The lighting of externally <b>Illuminated Wall Signs</b> shall be directed away from abutting lots and public road allowances.</p>
d)	<p><b>Special Event Sign</b> (Sign Permit Required)</p>	<p>One <b>Non-Illuminated temporary Special Event Sign</b>, for an event taking place on the <b>Property</b>.</p> <p><b>Maximum Sign Area:</b> - 4.0 square metres on each side.</p>	<p>A <b>Sign Permit</b> will be issued to a <b>Business</b> for a period of not less than 30 days and not more than 120 days per calendar year, 120 days being the maximum permitted period in which any temporary <b>Special Event Sign</b> shall be on public display on the property in each calendar year.</p> <p>Where a <b>Property</b> has 4 or more individual <b>Businesses</b> on it, a maximum of two <b>Special Event Signs</b> are permitted to be on public display at the same time.</p> <p>No <b>Special Event Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.</p>
e)	<p><b>Small Portable Sign</b> (Sign Permit Not Required)</p>	<p>One <b>Non-Illuminated Small Portable Sign</b> per <b>Business</b> establishment or other facility.</p> <p><b>Maximum Sign Area:</b> - 0.4 square metres on each side.</p>	<p>Such <b>Sign</b> may be placed in the public right-of-way, but not within 1.8 metres of a utility pole, edge of curb, bench, planter, or other existing obstruction to pedestrian movement.</p>
f)	<p><b>Real Estate Sign</b> (Sign Permit Not Required)</p>	<p>One <b>Non-Illuminated temporary Real Estate Sign</b> per street frontage.</p> <p><b>Maximum Sign Area:</b> - 2.0 square metres on each side.</p>	

NOTE: All Signs permitted within the Institutional & Manufacturing Districts are subject to other regulations contained within this By-Law, including but not limited to, the provisions of Section 11 of this By-Law.

**Table 6 – Other Signs Permitted in Agricultural Districts**

	Sign Type	General Provisions	Special Provisions
a)	<b>Ground Sign</b> (Sign Permit Required)	<p>One <b>Ground Sign, Illuminated or Non-Illuminated</b>, per street frontage.</p> <p>Maximum height:</p> <ul style="list-style-type: none"> <li>- 2.0 metres above the ground.</li> </ul> <p>Maximum width:</p> <ul style="list-style-type: none"> <li>- 3.0 metres.</li> </ul>	<p>A maximum of 70 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b>.</p> <p>No <b>Ground Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.</p> <p>The lighting of externally <b>Illuminated Ground Signs</b> shall be directed away from abutting lots and public road allowances.</p>
b)	<b>Wall Sign, Banner Sign, Projecting Sign</b> (including a canopy and awning <b>Sign</b> ) (Sign Permit Required)	<p>On an exterior wall of a building:</p> <ul style="list-style-type: none"> <li>- <b>Wall Signs and Banner Signs, Illuminated or Non-Illuminated.</b></li> <li>- <b>Projecting Sign</b> affixed to a wall and including a <b>Sign</b> on a canopy, marquee, or awning.</li> </ul>	<p>A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b>.</p> <p>A <b>Projecting Sign</b>, which is not a canopy, marquee, or awning, shall have a maximum projection of 1.2 metres from the wall to which it is attached and a maximum <b>Sign Area</b> of 0.8 square metres on each side.</p> <p><b>Wall Signs, Banner Signs, and Projecting Signs</b> shall not exceed, either individually or in combination, a total <b>Sign Area</b> equal to 15 percent of the area of the building wall on which they are located or anchored. The part of the canopy or awning that is not part of the <b>Sign</b> is not included in the calculation of the <b>Sign Area</b>.</p> <p>No <b>Wall Sign</b> or <b>Projecting Sign</b> shall extend above the eaves or parapet of the wall on which it is located.</p> <p>Each <b>Projecting Sign</b> shall have a minimum <b>Clear Height</b> of 2.4 metres.</p> <p>The lighting of externally <b>Illuminated Wall Signs</b> shall be directed away from abutting lots and public road allowances.</p>
c)	<b>Special Event Sign</b> (Sign Permit Required)	<p>One <b>Non-Illuminated</b> temporary <b>Special Event Sign</b>, for an event taking place on the <b>Property</b>.</p> <p>Maximum <b>Sign Area</b>:</p> <ul style="list-style-type: none"> <li>- 4.0 square metres on each side.</li> </ul>	<p>A <b>Sign Permit</b> will be issued to a <b>Business</b> for a period of not less than 30 days and not more than 120 days per calendar year, 120 days being the maximum permitted period in which any temporary <b>Special Event Sign</b> shall be on public display on the property in each calendar year.</p>



			No <b>Special Event Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.
d)	<b>Small Portable Sign</b> (Sign Permit Not Required)	One <b>Non-Illuminated Small Portable Sign</b> per <b>Business</b> establishment or other facility.  Maximum <b>Sign Area</b> : - 0.4 square metres on each side.	Such <b>Sign</b> may be placed in the public right-of-way, but not within 1.8 metres of a utility pole, edge of curb, bench, planter, or other existing obstruction to pedestrian movement.
e)	<b>Real Estate Sign</b> (Sign Permit Not Required)	One <b>Non-Illuminated</b> temporary <b>Real Estate Sign</b> per street frontage.  Maximum <b>Sign Area</b> : - 2.0 square metres on each side.	

NOTE: All Signs permitted within the Agricultural Districts are subject to other regulations contained within this By-Law, including but not limited to, the provisions of Section 12 of this By-Law.



**Table 7 – Other Signs Permitted in Green, Landfill, Natural Environment & Wetland Districts**

	Sign Type	General Provisions	Special Provisions
a)	<b>Ground Sign</b> (Sign Permit Required)	One <b>Ground Sign, Illuminated or Non-Illuminated</b> , per street frontage.  Maximum height: - 2.0 metres above the ground.  Maximum width: - 3.0 metres.	A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> .  No <b>Ground Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.  The lighting of externally <b>Illuminated Ground Signs</b> shall be directed away from abutting lots and public road allowances.
b)	<b>Wall Sign, Banner Sign, Projecting Sign</b> (including a canopy and awning <b>Sign</b> ) (Sign Permit Required)	On an exterior wall of a building:  - <b>Wall Signs and Banner Signs, Illuminated or Non-Illuminated.</b>  - <b>Projecting Sign</b> affixed to a wall and including a <b>Sign</b> on a canopy, marquee, or awning.	A maximum of 50 percent of the <b>Sign Area</b> may be a <b>Changeable Copy Sign</b> used to advertise a vacancy or special event exclusively related to the facility.  A <b>Projecting Sign</b> , which is not a canopy, marquee, or awning, shall have a maximum projection of 1.2 metres from the wall to which it is attached and a maximum <b>Sign Area</b> of 0.8 square metres on each side.  <b>Wall Signs, Banner Signs, and Projecting Signs</b> shall not exceed, either individually or in combination, a total <b>Sign Area</b> equal to 25 percent of the area of the building wall on which they are located or anchored. The part of the canopy or awning that is not part of the <b>Sign</b> is not included in the calculation of the <b>Sign Area</b> .  No <b>Wall Sign</b> or <b>Projecting Sign</b> shall extend above the eaves or parapet of the wall on which it is located.  Each <b>Projecting Sign</b> shall have a minimum <b>Clear Height</b> of 2.4 metres.  The lighting of externally <b>Illuminated Wall Signs</b> shall be directed away from abutting lots and public road allowances.
c)	<b>Special Event Sign</b> (Sign Permit Required)	One <b>Non-Illuminated</b> temporary <b>Special Event Sign</b> , for an event taking place on the <b>Property</b> .  Maximum <b>Sign Area</b> : - 4.0 square metres on each side.	A <b>Sign Permit</b> will be issued to a <b>Business</b> for a period of not less than 30 days and not more than 120 days per calendar year, 120 days being the maximum permitted period in which any temporary <b>Special Event Sign</b>



			shall be on public display on the property in each calendar year.  No <b>Special Event Sign</b> shall be in a <b>Daylight Triangle</b> or within 3.0 metres of a public right-of-way otherwise.
d)	<b>Small Portable Sign</b>  (Sign Permit Not Required)	One <b>Non-Illuminated Small Portable Sign</b> per <b>Business</b> establishment or other facility.  Maximum <b>Sign Area</b> : - 0.4 square metres on each side.	Such <b>Sign</b> may be placed in the public right-of-way, but not within 1.8 metres of a utility pole, edge of curb, bench, planter, or other existing obstruction to pedestrian movement.
e)	<b>Real Estate Sign</b>  (Sign Permit Not Required)	One <b>Non-Illuminated</b> temporary <b>Real Estate Sign</b> per street frontage.  Maximum <b>Sign Area</b> : - 2.0 square metres on each side.	

NOTE: All Signs permitted within the Green, Landfill, Natural Environment & Wetland Districts are subject to other regulations contained within this By-Law, including but not limited to, the provisions of Section 13 of this By-Law.



## Schedule "B"

### Council Guidelines for Site-Specific Approval of Billboards

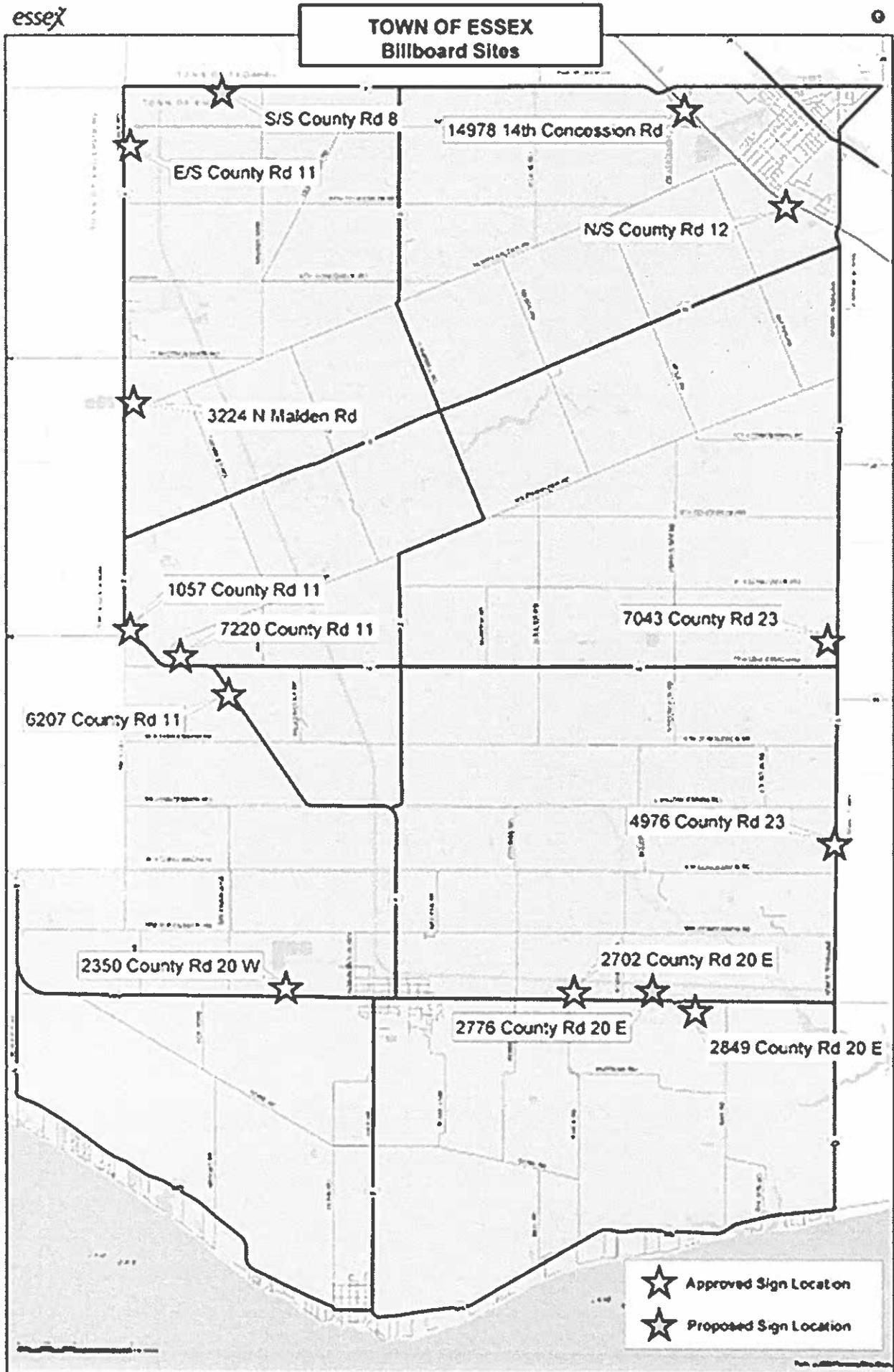
- 1.1 **Council** must pass a site-specific by-law to permit the erection of a **Billboard**.
- 1.2 **Billboards** are not permitted in the communities of Essex Centre, Harrow, Colchester, Gesto or McGregor.
- 1.3 The erection and maintenance of the **Sign** and media content placed on the **Sign** shall also satisfy all conditions required by The Corporation of the County of Essex and the Ontario Ministry of Transportation, where applicable.
- 1.4 **Billboards** must have a minimum separation of one (1) kilometre from any and all existing **Billboards**.
- 1.5 The **Billboard** shall have maximum dimensions of 2.5 metres in height, 5 metres in width, and a maximum overall height of 5 metres above the ground. It shall have a minimum setback of 41 metres from the centerline of the road abutting the lot on which the **Sign** is located. On properties fronting on or abutting County Road 50, the maximum **Sign Area** and height shall be one half of the **Sign Area** and height otherwise permitted.
- 1.6 The **Billboard** shall be of a fixed media format and shall not include in whole or in part an **Electronic Media Sign** or **Changeable Copy** component.
- 1.7 The **Billboard** shall advertise a single **Business**, organization, event or activity located in the **Town of Essex** or serving the local community.
- 1.8 The **Billboard** shall not be used to advertise a product, unless that it is in combination with, directly associated with and subordinate to the advertised **Business**, organization, event, or activity.
- 1.9 The **Billboard** shall be erected on site in a manner and location satisfactory to the Chief Building Official.
- 1.10 The **Billboard** shall be maintained in good practice.
- 1.11 The **Town** reserves the right to remove or order the removal or alteration of a **Billboard** or its contents when, as determined by the Chief Building Official, the **Billboard** is in an unsafe condition, a poor state of maintenance or does not otherwise comply with the provisions of this By-Law or such other applicable laws.



# Schedule "C"

## Council Approved Billboards

NOTE: The following map depicts existing **Billboard** locations approved by **Council** for reference only to assist with the consideration of potential locations by a proponent.



## **Schedule "D"**

### **Permitted Signs in Public Rights-of-Way**

- 1.1 The following **Businesses** and other organizations have the permission of **Council** to place **Special Event Signs** on an annual basis in the public rights-of-way:
- a) Essex Centre Business Improvement Association;
  - b) Harrow and Colchester South Chamber of Commerce;
  - c) Canadian Transportation Museum and Heritage Village;
  - d) Explore the Shore; and
  - e) Bastien Christmas Tree Sales.



**THE CORPORATION OF THE TOWN OF ESSEX**  
**SCHEDULE "E" TO BY-LAW NUMBER 2167**  
**PART 1 PROVINCIAL OFFENCES ACT**

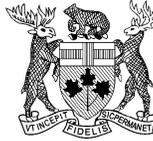
**By-Law Number 2167: Being a by-law regulating the erection of signs within the geographical boundaries of the Town of Essex**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Failing to ensure Sign is (erected)(placed)(altered)(replaced) in accordance with (Section)(Schedule A, Table) _____ of By-Law _____	Section 4.1	\$150.00
2.	(Erect)(Place)(Alter)(Replace)(Permit the erection of)(Permit the placing of) Sign not authorized	Section 4.2 a)	\$150.00
3.	(Erect)(Place)(Alter)(Replace)(Permit the erection of)(Permit the placing of) Sign without a Sign Permit	Section 4.2 b)	\$150.00
4.	(Erect)(Place)(Permit the placing of) Sign not in accordance with the approved drawings of the Sign Permit	Section 4.2 c)	\$150.00
5.	(Erect)(Place)(Permit the placing of) Sign not consistent with the conditions of the Sign Permit	Section 4.2 d)	\$150.00
6.	(Erect)(Place)(Permit the placing of) Sign or advertisement on a vehicle or trailer	Section 4.2 e)	\$150.00
7.	(Erect)(Place)(Permit the placing of) Sign which is on or overhangs Town property	Section 4.2 f)	\$150.00
8.	(Erect)(Place)(Permit the placing of) Sign on (pole)(bench)(waste receptacle) without authorization	Section 4.2 g)	\$150.00
9.	(Erect)(Place)(Permit the placing of) Sign in location that impedes (utility easements)(public rights-of-way)(snow removal)(street cleaning)(maintenance operations)	Section 4.2 h)	\$150.00
10.	(Erect)(Place)(Permit the placing of) Sign on any (pole)(traffic sign)(control box)	Section 4.2 l)	\$150.00
11.	(Erect)(Place)(Permit the placing of) Sign on any (tree)(fence)(gate)(railing)	Section 4.2 j)	\$150.00
12.	(Erect)(Place)(Permit the placing of) Sign that (obstructs traffic sign or device)(interferes with vehicular traffic)	Section 4.2 k)	\$150.00
13.	(Erect)(Place)(Permit the placing of) Sign that obstructs (air intake or exhaust)(fire escape)	Section 4.2 l)	\$150.00
14.	(Erect)(Place)(Permit the placing of) Sign for a vexatious reason or in a obtrusive manner	Section 4.2 m)	\$150.00
15.	Failing to turn off an Illuminated Sign when malfunctioning	Section 4.2 n)	\$150.00
16.	Failing to maintain Sign in (good repair)(structurally sound condition)	Section 4.2 o)	\$150.00
17.	Failing to (remove)(alter)(repair) Sign not in compliance when directed	Section 4.2 p)	\$150.00
18.	(Obstructing)(Attempting to obstruct) a By-Law Enforcement Officer	Section 4.2 q)	\$150.00
19.	Failing to comply with any order or notice issued	Section 15.7	\$150.00

**Note:** The general penalty provision for the offences indication above is Section 17.1 of By-Law Number 2167, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

80 DUNDAS STREET, 10<sup>th</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>e</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-3138

November 30, 2022

Robert Auger  
Town of Essex  
33 Talbot Street South  
Essex, Ontario N8M 1A8

Dear Mr. Auger

**Re: Set Fines - Provincial Offences Act - Part 1  
By-law Number 2167, of the Town of Essex**

Enclosed herewith is the original Order and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Court in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in cursive script that reads "Jeanine LeRoy".

Jeanine E. LeRoy  
Regional Senior Justice  
West Region  
Encl.  
/kt

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **Municipal By-law No. 2167, of the Town of Essex**, attached hereto are the set fines for those offences. This Order is to take effect November 30, 2022.

Dated at London this 30<sup>th</sup> day of November, 2022.



Jeanine E. LeRoy  
Regional Senior Justice  
West Region

**THE CORPORATION OF THE TOWN OF ESSEX**  
**SCHEDULE "E" TO BY-LAW NUMBER 2167**  
**PART 1 PROVINCIAL OFFENCES ACT**

**By-Law Number 2167: Being a by-law regulating the erection of signs within the geographical boundaries of the Town of Essex**

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