

**CITY OF KINGSTON**

Ontario

**BY-LAW NO. 2009-140**

**A BY-LAW TO PROVIDE FOR THE PROHIBITION  
AND REGULATION OF SIGNS AND  
OTHER ADVERTISING DEVICES IN THE CITY OF KINGSTON**

PASSED: October 20, 2009

As amended by:

***Office Consolidation***

*(Distributed: November 12, 2009)*

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**BY-LAW NO. 2009-140 "A BY-LAW TO PROVIDE FOR THE PROHIBITION AND REGULATION OF SIGNS AND OTHER ADVERTISING DEVICES IN THE CITY OF KINGSTON"**

**PASSED:** October 20, 2009

**WHEREAS** Section 99 of the *Municipal Act R.S.O., 2001* authorizes the council of every local municipality to pass by-laws for prohibiting and regulating advertising devices including signs within the municipality;

**AND WHEREAS** the Council of the Corporation of the City of Kingston considers it desirable to enact such a by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON ENACTS** as follows:

**1. DEFINITIONS:**

In this By-law,

**"ADVERTISING DEVICE"** shall mean any device or object creating a design and erected or located or affixed on any building or structure or on the ground for the purpose of advertising, and shall include flags, banners, pennants, lights or any other object intended for advertising purposes.

**"ALTERED"** means making changes to the structure of the sign, but does not mean a change in the message displayed by a sign or other advertising device (unless change is from on-premise sign to off-premise sign), maintenance or repair of a sign or advertising device.

**"ANIMATED SIGN"** means a sign with action or motion, flashing, colour changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners or specialty items; public service signs such as time and temperature, revolving or changeable message signs.

**"AREA"** means the number of square metres on the surface of a sign including the border and frame, and where a sign is not bounded or enclosed within a frame, the area will be that of a rectangle, circle or other simple geometrical shape containing all letter, symbols and devices on the sign. In the case of a double or multifaced sign or posturn sign, the area of a sign will be based on all sign faces.

**"AWNING"** means a retractable or fixed roof-like cover made of canvas or other suitable material, which normally extends over a doorway or window of a building with lettering (other than civic address number) or advertising, on or affixed to it and may have supports on the ground. Also includes a canopy.

**"BILLBOARD"** means an off-premise, ground sign which advertises goods, products, services or facilities, or directs persons to a different location from that upon which the sign is located. This definition would include a digital billboard which has stationary displays that remain unchanged for periods of at least 5 seconds.

**"BOULEVARD SIGN"** means a privately owned sign erected temporarily and either located on the ground on the municipal boulevard between the roadway and the sidewalk or the front property lines.

**"BUILDING"** means the place of business including the property address that the business may be located on.

**"BUILDING FACADE"** means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.

**"BUILDING AND LICENSING DEPARTMENT" and "DEPARTMENT"** mean the Building and Licensing Department, Community Development Services Group, or in the event of organizational changes, another unit designated by Council to carry out the Department's responsibilities for the administration and enforcement of this by-law.

**"BUILDING OCCUPANCY"** means a premises occupied by a single use, owner or tenant that has a separate entrance to the outdoors or to an indoor walkway or hallway shared with other occupancies.

**"BUSINESS IMPROVEMENT AREA"** means the geographic area bounded by the streets outlined in Schedule "Z-2".

**"CITY" AND "CITY OF KINGSTON"** means The Corporation of the City of Kingston, as incorporated on January 1, 1998.

**"CONSTRUCTION SIGN"** means a sign erected temporarily to advise of construction, and located on private property as provided for under this by-law.

**"COPY AREA"** shall mean the actual area of the sign copy applied to any background. Copy area shall be computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

**"COUNCIL" AND "CITY COUNCIL"** means the Council of the City of Kingston.

**"DESIGNATE"** means a person who is an employee of the Corporation of the City of Kingston and who has been appointed by the Director to administer all or part of this by-law on behalf of the Director.

**"DIRECTOR"** means the Director of Building and Licensing for the City of Kingston, and includes their designate.

**"ELECTION SIGN"** means any type of sign or other form of display that promotes directly or indirectly the candidacy of any person for election to public office. These are governed under By-law 2000-293, A By-law to Regulate Election Signs in the "New" City of Kingston.

**"ELECTRIC SPECTACULAR SIGN"** means an animated sign having a message change more frequently than once every 5 seconds.

**"GROUND SIGN"** means an on-premise sign including a backlit, posturn, pylon and readograph sign supported from the ground and not attached to any part of a building.

**"HIGHWAY"** means a common and public highway or portion thereof, which is under the jurisdiction of the City, and includes any street, lane, bridge, trestle, viaduct or other structure that forms part of the highway and all lands along the lateral boundaries of the highway.

**"ILLUMINATED SIGN"** means a sign in which a source of light is used in order to make readable the message, including an internally and externally lighted sign and a reflecting, flowing and radiating sign.

**"INTERSECTION"** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary a line of two or more highways that join one another at an angle, whether or not one highway crosses the other.

**"MAST ARM SIGN"** means a projecting sign where the support pole or mast shall be of wrought iron or wrought aluminum construction, has a sway chain, has a sign face that shall be of metal or wooden construction only, and may be illuminated with exterior lighting.

**"OFFICER"** means a Provincial Offences Officer of the Corporation who has been assigned the responsibility of administering and enforcing this by-law and includes all City of Kingston employees of the Building and Licensing Department.

**"OFF-PREMISE SIGN"** means any sign identifying or advertising a business, person, activity, goods, products or service, which is not related to or available at the premises where the sign is located.

**"ON-PREMISE SIGN"** means any sign identifying or advertising a business, person, activity, goods, product or service available at the premises where the sign is located.

**"PARAPET"** means an extension of the wall above the actual roof level.

**"PORTABLE SIGN"** means and includes any temporary sign or advertising device not permanently attached to or affixed into the ground, to a building or structure, or any sign or advertising device resting upon or attached to any moveable device and includes airborne devices tethered to a structure, building, vehicle or other anchor";

**"POSTURN"** means a sign made with a series of triangular vertical sections that turn and stop, or winds, to show three pictures or messages in the same area. This definition also includes signs known as Trios Signs and Trivision Signs.

**"PROJECTED DISPLAY SIGN"** means a sign which projects light from a property to any surface for advertising and includes holograms.

**"PROJECTING SIGN"** means an on-premise sign which is perpendicular to the wall and includes mast arm signs.

**"PUBLIC INFORMATION SIGN"** means any sign erected for or on behalf of a public agency for the purpose of providing information to the public.

**"PUBLIC OFFICE"** means any position to which a person is elected by general election and without limiting its generality, includes a member of the Parliament of Canada, a member of the Legislative Assembly for the Province of Ontario, a member of a council of a municipality, and a member of a board of school trustees.

**"PUBLIC THOROUGHFARE"** means that portion of private property over which the general public has the right to vehicular passage for the purpose of attending at premises located on the property and includes roadways, laneways and public parking areas in and around shopping centres and plazas. This definition will also include water passage on Lake Ontario, and the St. Lawrence River.

**"PUBLIC UTILITY POLE"** means a pole owned or controlled by an entity which provides a municipal or public utility service, including but not limited to the City of Kingston, Kingston Hydro Company, Bell Canada, On Source, Hydro One, the Ontario Electric Services Corporation, and any subsidiaries thereof.

**"READOGRAPH"** means a permanent sign composed of manually or electronically interchangeable letters intended to convey a temporary message that remains unmoved or unchanged for a period of 5 seconds or more.

"REAL ESTATE SIGN" means a sign used to advertise buildings and properties for sale or lease at the point of sale and includes lease and rental signs for these properties and buildings and units within the buildings.

"REVOLVING SIGN" means a sign that revolves 360° but shall not exceed 8 rpm.

"ROAD ALLOWANCE" means the allowance for a public road and includes the traveled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks.

"ROOF SIGN" means a sign erected upon or above a roof or parapet wall of a building that is wholly or partially supported by said building.

"SANDWICH-BOARD SIGN" commonly referred to as an "A-Frame Sign", includes any sign not permanently attached to or affixed into the ground, building or structure, which is hinged or otherwise attached at the top enabling the two sign faces to be extended into an inverted v-shape so as to support the said sign in an upright position, on its side or in any other manner.

"SEARCHLIGHT" means an apparatus containing a light source and a reflector for projecting a high-intensity beam of approximately parallel rays of light.

"SIGN" shall include the sign structure, and shall mean any device, or medium that uses any colour, form, graphic, illumination, symbol or writing which displays its message in such a way as to convey information of any kind to the public to be viewed from a highway or public thoroughfare and includes but is not limited to a blimp, balloon or model placed on or above a property for the purpose of advertising a business, organization, project, product, service, event or otherwise promote the sale of objects or identify objects for sale.

"SIGN STRUCTURE" means the supports and framework for a sign.

"STREET" means the portion of a highway that is used for vehicular traffic.

"STREET LINE" means the dividing line between a property line and a road allowance.

"TOTAL AGGREGATE AREA" means the sum total of all individual sign areas located on the building facade.

"WALL SIGN" means an on-premise sign, attached in close proximity and parallel to, any exterior wall of a building and without limiting the generality of the foregoing, includes awning signs.

"ZONING" OR "LAND USE" mean the permitted land use established by the Zoning By-laws under the *Planning Act*.

## **2. APPLICABILITY**

2.1 Any sign that is lawfully erected or displayed on or before the day this by-law comes into force, but does not comply with this by-law, shall be allowed to remain so long as it is not in any way substantially altered, provided that the maintenance and repair of the sign or a change in the message displayed shall not constitute an alteration, unless the sign is changing from an on-premise sign to an off-premise sign.

2.2 No person shall erect, alter, attach, place or display a sign except as permitted by this by-law.

2.3 All signs erected in the City shall comply with this by-law, the *Ontario Building Code*, *Fire Code* and their regulations, as well as any other Act, regulation, by-law or site plan requirement regardless of the requirement for a permit.

- 2.4 Any application for a sign permit on a Designated Heritage Property is subject to the regulations of the *Ontario Heritage Act* and the requirements of Council, including recommendations of the Municipal Heritage Committee.

**3. ADMINISTRATION**

- 3.1 The Director is responsible for the administration and enforcement of this by-law.
- 3.2 Applications for a sign permit shall be submitted to the Building and Licensing Department upon a form to be provided.
- 3.3 Any applicant for a sign permit shall submit proper plans and/or specifications for the sign to the Building and Licensing Department for examination as required.
- 3.4 The Building and Licensing Department shall issue a sign permit except where,
- a. permits required by any other applicable government authority including the Electrical Safety Authority do not accompany the application;
  - b. the application is incomplete or any fees due are unpaid; or
  - c. the regulations of this By-law will be contravened.
- 3.5 Applications for a sign permit or for an amendment to an existing sign permit will not be processed until the required fee has been paid in full.
- 3.6 The Director may revoke a sign permit,
- a. where it was issued on mistaken or false information;
  - b. where, 6 months after the issuance of the permit, the erection, display, alteration or repair of the sign in respect of which the permit was issued has not commenced to the satisfaction of the Director;
  - c. where a person to whom an Order to Comply has been given in accordance with this by-law has failed or refused to comply with such notice; or
  - d. where a person has been found to have contravened this or any other by-law or applicable law.
- 3.7 Upon completion of the erection, display, alteration or repair of a sign for which a permit has been issued, the person to whom the permit was issued shall so notify the Building and Licensing Department where an inspection is required, as well as any other required inspection under the *Building Code Act*.
- 3.8 Where, in the opinion of the Director, any sign is found to be in a dangerous or defective condition, the permit holder or owner or lessee of the sign or agent of the sign or the premises upon which such sign is located may be ordered to remove the sign or place the sign in a proper state of repair forthwith at the expense of the owner, lessee or agent.
- a. Upon receipt of an Order to Comply issued by the Director, the owner, lessee or agent of the sign or the premise shall at once proceed to repair or remove the sign, provided, that if the owner, lessee or agent of such sign or premise fails to repair or remove the sign, the Building and Licensing Department may have the sign removed or have repairs made as deemed necessary. The cost of which shall be recoverable in the way of taxes.

- 3.9 A sign permit may be renewed for an additional specified period as specified by this by-law, subject to the payment of an additional fee as prescribed in **Schedule "A-1"**, and provided that renewal is applied for prior to the expiration of the original permit.
- 3.10 No sign, or any part thereof, previously erected shall be added to, altered or extended unless it conforms to the requirements of this By-law.
- 3.11 If it is determined that an application meets the requirements of this by-law, the Building and Licensing Department will issue the permit if the permit fee has been paid.
- 3.12 If it is determined that an application does not meet the requirements of this by-law, the Building and Licensing Department will refuse the permit and will refund the permit fee.
- 3.13 Any person may seek an exemption from the requirements of this By-law by applying to the Clerk' Office for a relief to the By-law. The appeal is to be done as a letter to Council through the Clerk's Office. The Clerk's Office will review the matter and forward on to Council to determine if the matter will be considered by Council.
- 3.14 The Appeal must be accompanied with information that includes the By-law section to be considered, as well as any plot plans, elevations and details of the sign showing the construction including fastening and ground support, footings, photographs of the site etc. The documentation to be provided must also include the reason why the sign cannot be installed in a manner that would meet the By-law. If Council determines that they will consider the application, any additional information that is required for the report to Council must be provided.

#### **4. GENERAL PROVISIONS**

- 4.1 The provisions of this section apply to all signs in addition to the regulations set out in the attached schedules.
- 4.2 No sign shall be erected, displayed, altered or repaired in the City except in accordance with this by-law.
- 4.3 The owner of any sign shall keep the sign in good condition and be solely responsible and pay for any damage to persons or property caused by the erection, maintenance, use or removal of the said sign or any other cause whatsoever and every sign and sign structure shall, at all times, be well maintained and in a good state of repair.
- 4.4 No part of any sign, shall be attached to, supported by, or painted on any tree, post, public utility pole or support on municipal property or interfere with municipal or public utility services;
- 4.5 No sign shall be permitted unless the applicant obtains approval from the owner of the property.
- 4.6 A person is not eligible to display a sign if the usage of his or her sign does not conform with the applicable standards and requirements of:
  - a. Every by-law of the City;
  - b. The Ontario Building Code;
  - c. Every provincial or federal act and regulation made under such an act; and
  - d. Every instrument of a legislative nature made or issued under a provincial or federal act or regulation.
- 4.7 Applications may be circulated to other internal departments for approval.
- 4.8 The applicant shall indemnify the Municipality, its officers, and agents from all loss, damages, costs, or proceedings of any nature arising from the erection, maintenance, display, alteration, repair or removal of any sign.
- 4.9 No sign shall obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition in the determination of the Director.

- 4.10 The following regulations shall apply to signs which overhang the street allowance:
- a. The lowest part of any sign shall not be less than 2.7 metres (9 feet) above the level of the sidewalk grade;
  - b. Where traffic may be obscured, the minimum height of the lowest part of any sign shall be 3.7 metres (12 feet);
  - c. Notwithstanding the provisions of 8.a., for small signs having a surface area of 0.6 square metres (6 square feet) or less, and projecting not more than 45.7 centimetres (18 inches) from the building or other support to which it is attached, the lowest part of such sign shall not be less than 2.4 metres (8 feet) above the level of the sidewalk.
- 4.11 No light which is used to externally illuminate a sign shall spill directly beyond the face of the sign.
- 4.12 Internally illuminated signs must not direct light onto any neighbouring property or any street.
- 4.13 Any sign on an historically designated property requires approval from the Municipal Heritage Committee prior to issuance of a sign permit.
- 4.14 No sign shall be erected, displayed, altered or maintained in such a way that, in the opinion of the Director it interferes with any municipal operations, and can be removed by the municipality.
- 4.15 Any fee relating to this by-law shall be prescribed by the provisions of By-law 2005-10, "A By-law to Establish Fees and Charges to be collected by the Corporation of the City of Kingston, as amended.
- 4.16 Signs erected by or on behalf of a Registered Charity are not required to pay a permit fee, but are required to submit an application and meet the requirements of all other regulations.
- 4.17 No sign shall be erected upon or attached to any building or other approved support unless such building will carry the additional dead and wind loads due to the erection of such signs or without exceeding the stresses permitted on the respective materials by the Ontario Building Code.
- 4.18 Any sign which is permitted under the Zoning By-Law for any Home Occupation must comply with the applicable zoning requirements and the Official Plan for the City.
- 4.19 All signs that are near any overhead electrical conductor will be subject to the rules of the authority having jurisdiction and approvals will be required from the regulatory authority having jurisdiction before a permit may be issued, and to determine if a permit for the sign can be issued.
- 4.20 Any person having possession of any premises, and any owner of any premise for which a permit has been granted for a sign, shall remove any sign(s) within 30 days of vacating the premises. The sign face may be covered over, however any sign boxes are not to be left open and must have a suitable opaque covering or replacement sign face.

## **5. EXEMPTIONS**

The following signs shall be permitted in all zones and no permit shall be required unless Provincial statute requires a permit;

- 5.1 Signs for the identification of a garage sale provided that such sales are in accordance with the Licensing By-Law and any other by-laws, and that all signs are removed at the end of the sale;
- 5.2 All signs having an area not greater than 0.18 square metres (2 square feet) located on privately owned property attached to the building, including a home occupation sign;
- 5.3 Civic addressing signs up to 0.18 square metres (2 square feet) in size, including the name of the owner or occupant of the property or street name, or any sign in compliance with the Civic Addressing By-Law.

- 5.4 Directional signs erected on private property for the purpose of directing traffic upon the property provided no side is greater than 0.55 square metres (6 square feet) to a maximum total for all sides of not greater than 2.22 square metres (24 square feet);
- 5.5 Displays consisting entirely of landscaping material;
- 5.6 Signs erected by or on behalf of the City or any Federal or Provincial authority;
- 5.7 Banners that have been authorized by the City used to identify a special event;
- 5.8 Real Estate signs as per Schedule R-3;
- 5.9 Construction Signs as per Schedule C-1;
- 5.10 Election Signs are regulated under By-Law 2000-293, as amended.
- 5.11 Searchlights, blimps or models erected or displayed no more than once per year per property for a period not to exceed fourteen days;
- 5.12 Balloons displayed not more than 14 days in any calendar year;
- 5.13 Warning signs with an area not greater than 0.55 square metres (6 square feet) indicating a caution such as "no trespassing";
- 5.14 Flags, emblems, decorations or insignia used only for the identification of a nation, province, country, municipality, school, corporation, sorority or fraternity, political or religious group or holiday;
- 5.15 Window signs that may be painted on, or applied to the inside surface of a window, or placed inside of a window;
- 5.16 Memorial or historical interest signs or tablets;
- 5.17 Entrance gate signs located within the boundaries of the subdivision and not within the road allowance, which identify the subdivision and erected at the entrance to the subdivision with a maximum sign area of 3 square metres (9.8 square feet);

## **6. PROHIBITED SIGNS**

- 6.1 Electric Spectacular Signs.
- 6.2 Vehicles or trailers parked solely for the purpose of advertising the direction to, or a place of business.
- 6.3 Roof sign or billboard sign in any heritage designated areas or on any heritage designated buildings.

## **7. ENFORCEMENT**

### **7.1 Orders**

- a. Where the Director is satisfied that a contravention of this by-law has occurred, the Director may issue an Order to Comply requiring the person that contravened the by-law, or that caused or permitted the contravention of the by-law, to stop any work related to the contravention.
- b. The Order to Comply shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order.
- c. Where the Director is satisfied that a contravention of this by-law has occurred, the Director may issue an Order requiring the person who contravened the by-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do the work specified in the Order that is

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- necessary in the opinion of the Director to correct the contravention, including without limitation the removal or repair of the sign.
- d. The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention, and the date by which there must be compliance with the Order.
  - e. Notwithstanding any other portion of this by-law, a sign on or over municipal property may be removed without notice by the municipality where it may interfere with municipal or public utility services.
  - f. The Order may provide that if the person named in the Order fails to comply with the Order by a date specified in the Order, that the City shall have the right to enter upon the land affected by the Order at any time, and to complete the work specified in the Order at the expense of the person named in the Order.
- 7.2 An Order to Comply issued under this by-law may be served personally by an Officer, may be posted in a conspicuous place on the property where the contravention occurred, or may be sent by registered mail to the person contravening this By-law.
- 7.3 Where an Order issued under this by-law is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the person(s) named.
- 7.4 Where an Order issued under this by-law is sent by registered mail, it shall be sent to the last known address of:
- a. The Applicant;
  - b. The Owner; or,
  - c. The person or company retained to do any work on the sign on the land.
- 7.5 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the Order is mailed.
- 7.6 Where a person fails to comply with an Order issued pursuant to this by-law and the City enters on the lands and completes the work, the City shall be entitled to recover its costs to complete the work from the person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- a. The costs include interest calculated at a rate of 15 percent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including interest, are paid in full.
  - b. The amount of costs, including interest, constitutes a lien on the land upon the registration in the land registry office of a notice of lien.
  - c. The lien shall be in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate of 15 percent to the date the payment is made in full.
- 7.7 The Director may, by issuing an Order, require any person who:
- a. Having obtained a permit has caused a sign to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued, to make such sign comply within the time prescribed in the Order;
  - b. Has erected, displayed, altered or repaired a sign contrary to the provisions of this by-law, the Ontario Building Code or any other applicable law, to make such sign comply within the time prescribed in the notice;

- c. Has caused or allowed a sign to become abandoned, dilapidated or, in the opinion of the Building and Licensing Department, a hazard to public safety, to correct the situation to the satisfaction of the Building and Licensing Department in the manner and within the time prescribed in the notice;
- d. Has failed to comply with any general provision set out in this by-law, or any specific provision listed in any schedule of this by-law for the type of sign specified, to correct the failing to the satisfaction of the Director within the time prescribed in the notice; or
- e. If at any time the Director determines that the sign or the location of the sign does not conform to the requirements of this by-law, the Director may suspend or revoke the permit.

**7.8 Order to Remove**

- 7.8.1 The Director may, upon written notice to the owner of a sign and the person in possession of the premises upon which a sign is located, order the sign removed:
- a. If the permit has been revoked;
  - b. If the person to whom a notice was given in accordance with this by-law has failed or refused to comply with such notice; or
  - c. Where a sign was erected without a permit where one is required by this by-law.

**7.9 Sign to be Removed**

- a. Upon the failure or refusal of the person to whom any order was given in accordance with this by-law to remove a sign, the Building and Licensing Department may remove or cause to be removed the sign at the expense of the owner of the sign.
- b. Notwithstanding any other portion of this by-law, a sign on or over municipal property may be removed without notice by the municipality where it may interfere with municipal or public utility services.

**7.10 Notices**

- a. Notice or Order required to be served may be served personally or by registered mail sent to the last known address of the person to whom the Building and Licensing Department believes is contravening this by-law.
- b. Any such notice shall be effective as of the date on which it was personally hand delivered or 5 days after the date the registered mail is posted.

**8. OFFENCE AND PENALTY PROVISIONS**

- 8.1 Anyone who contravenes the by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*.
- 8.2 Upon a conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in this by-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted and or for the removal of any and all signs.
- 8.3 On receipt of an application for a sign permit, or for any renewal of a sign permit, an Officer of the Building and Licensing Department may at any reasonable time enter upon the piece of land where the sign is located, or to be located, to make an inspection to ensure that all the provisions of this by-law have been satisfied.
- 8.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer of the Building and Licensing Department, or other authorized employee or agent of the City in the exercise of a power or the performance of a

duty under this by-law, from inspecting any piece of land. Withholding, destroying, concealing or refusing to furnish any information or thing required by the Building and Licensing Department from conducting the inspection shall be deemed to be hindering and anyone so doing may be found guilty of an offence.

**9. VALIDITY**

9.1 If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

**10. COMMENCEMENT:**

This by-law shall come into force and take effect on the date of its passing.

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SCHEDULE "A-1" - SIGN BY-LAW NO. 2009-140

PERMIT FEES

<b>Sign Type</b>	<b>Fee</b>
<b>PERMANENT SIGN FEES</b>	
Billboard Signs	As per Fees and Charges By-Law No. 2005-10
Ground Signs	
Projecting Double Faced Building Signs	
Revolving Signs	
Roof Signs	
Readograph	
Wall Signs	
<b>TEMPORARY SIGN FEES</b>	
Boulevard Signs	As per Fees and Charges By-Law No. 2005-10
Portable Signs	
Projected Display Signs	
Sandwich Board Signs (Calendar year fee)	

**SCHEDULE "B-1" - SIGN BY-LAW NO. 2009-140**

**BILLBOARD SIGNS**

1. Billboard signs may be erected on private property except in areas zoned as residential, provided the following conditions are complied with:

a.

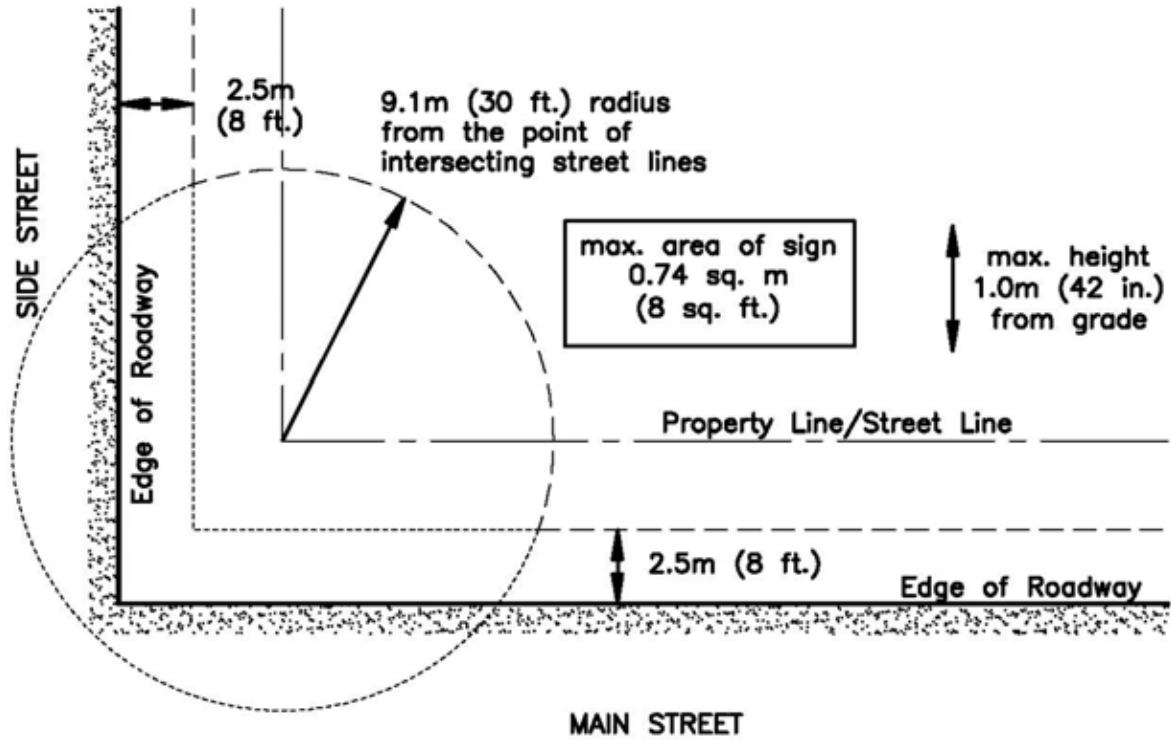
Maximum Sq. Ft. per Sign	Minimum Lot Frontage per Sign
23.2m <sup>2</sup> (200 ft. <sup>2</sup> )	30.5m (100 ft.)
46.5m <sup>2</sup> (500 ft. <sup>2</sup> )	304.8m (1000 ft.)
65.0m <sup>2</sup> (700 ft. <sup>2</sup> )	610m (2000 ft.)

2. No billboard sign shall be closer to the street line than:
  - a. 3 metres (10 feet) for signs of 18.58 square metres (200 square feet) or less or
  - b. 9.1 metres (30 feet) in the case of a sign with a sign area greater than 18.58 square metres (200 square feet) and less than 37.16 square metres (400 square feet); or
  - c. 15.2 metres (100 feet) in the case of a sign with a sign area greater than 37.16 square metres (400 square feet).
3. No more than three signs facing in any one direction shall be permitted on any one property.
4. A billboard sign allowed to be a maximum of 200 sq. feet is permitted to have a double sided sign with a total sign area of no more than 400 square feet.
5. Billboard signs shall not be located less than 100 metres (328 feet) from another billboard sign.
6. No billboard sign shall exceed 15.2 metres (50 feet) in height, measured from the ground level.
7. No billboard shall be located so that the rear part of the sign is or will be exposed to any street when it is not a double sided sign.
8. Billboard signs mounted on rooftops shall comply with regulations for Roof Signs.
9. No billboard sign shall have a sign area greater than 65.03 square metres (700 square feet).
10. A billboard sign constructed as a ground type sign is to be allowed only based on the allowable ground signage as per Schedule "G-1" 5.
11. No billboard sign shall be located within a radius of less than 304.8 metres (1000 feet) from another off-premise sign, with no more than one off-premise sign per property.
12. No billboard sign or any part of its sign structure shall be more than 7.6 metres (25 feet) above the centre line of the abutting street.
13. Billboard signs shall only be permitted in industrial, agricultural, rural, development and commercial zones as defined by the City Zoning By-laws.
14. In the case of two sided billboard signs where permitted with an area up to 18.58 square metres (200 sq. ft.), each side of the sign is permitted to be a maximum of 18.58 square meters (200 sq. ft.).

**SCHEDULE "B-2"- SIGN BY-LAW NO. 2009-140**

**BOULEVARD SIGNS**

1. A maximum of one boulevard sign may be erected or displayed on a boulevard between intersections.
2. No part of a boulevard sign shall be less than 2.4 metres (8 feet) from the paved or gravel surface of a street.
3. Area of a boulevard sign shall not exceed 0.74 square metres (8 square feet).
4. Height of a boulevard sign shall not exceed 1 metre (42 inches) in height from the ground.
5. No boulevard sign shall be illuminated.
6. The display or erection of a boulevard sign shall be limited to a maximum of 7 consecutive days per permit.
7. No boulevard signs will be permitted within a 9.1 metre (30 foot) radius of the point of intersecting street lines.
8. Boulevard signs shall only be permitted in commercial, industrial, agricultural/rural, open space, development or institutional type zones as defined by the City Zoning By-laws.
9. No boulevard sign shall be placed in such a way as to impede pedestrian traffic.



**SCHEDULE "C-1" -SIGN BY-LAW NO. 2009-140**

**CONSTRUCTION SIGNS**

1. Maximum size for construction signs shall be 18.58 square metres (200 square feet).
2. Construction signs are exempt from permit requirements provided that:
  - a. All construction signs are to be erected on the lot upon which the construction is occurring.
  - b. Within six (6) months of substantial completion of the building, to the satisfaction of the Building and Licensing Department, construction signs are to be removed.
3. In the case where no construction has taken place within one year of erection, the sign shall be removed.
4. Construction signs may be erected at the main entrance to a subdivision or construction site to identify the contractors who are working within the subdivision, provided;
  - a. They are all erected on the same sign structure;
  - b. The sign structure shall have no more than two sides upon which signs may be displayed and the two sides shall be parallel or V shaped.
5. Where erected at the entrance to the subdivision or construction site, no other construction sign in respect of the same contractor shall be permitted elsewhere within the construction site, other than to identify construction trailers where trailers are permitted, and on individual lots in subdivisions.
6. Construction signs shall be permitted in all zones as defined by the City Zoning By-Laws.

**SCHEDULE "G-1" - SIGN BY-LAW NO. 2009-140**

**GROUND SIGNS**

1. No part of a ground sign or the sign structure shall be less than 3 metres (10 feet) from any street line.
2. No ground sign shall have a side with an area of more than 30 square centimetres (1 square foot) for each linear 30 centimeter (1 foot) of frontage on a street, to a maximum of 13.97 square metres (150 square feet). A second sign will be permitted for frontage in excess of 91.4 metres (300 feet), and shall be limited to a maximum area per side of 30 square centimetres (1 square foot) for each lineal 30 centimetres (1 foot) of frontage in excess of the first 91.4 metres (300 feet), to a maximum area of 13.9 square metres (150 square feet) per side.
3. No ground sign shall have a combined area for all sides of more than 27.87 square metres (300 square feet).
4. No part of a ground sign or the sign structure shall be higher than 10.67 metres (35 feet) in height.
5. A maximum of 1 ground sign may be erected or displayed for a property having frontage on a street of 91.4 metres (300 feet) or less, but a second ground sign is permitted for a property having frontage greater than 91.4 metres (300 feet). A second street frontage shall be allowed equal sign area.
6. Supports for ground signs shall be located only on private property and shall be set in concrete footings of sufficient size and weight and design to prevent overturning the sign.
7. In addition to the maximum area provisions an additional area of 5 square metres (54 sq. ft) may be added to each sign to be used as a readograph only.
8. On corner lots, only one ground sign may be erected in the triangular space formed by the street property lines for a distance of 15.2 metres (50 feet) from their point of intersection. These signs must have a clear space below exclusive of supports of no less than 4.25 metres (14 feet).
9. Signs may be illuminated but shall not be of the flasher type and shall be subject to the provisions of this by-law.
10. Ground signs shall only be permitted in commercial, industrial, agricultural/rural, development, open space or institutional type zones as defined by the City Zoning By-Laws.
11. A roof sign is permitted instead but not in addition to one ground sign.

**SCHEDULE "P-1" - SIGN BY-LAW NO. 2009-140**

**PORTABLE SIGNS**

1. No side of a portable sign shall have an area of greater than 5.57 square metres (60 square feet).
2. No portable sign shall have any flashing or moving lights.
3. Portable signs will be placed only on commercial, industrial or agricultural properties as defined by the applicable Zoning By-Law and must comply with the regulations regarding off-premise signs in this by-law.
4. Portable signs will only be allowed in residentially zoned areas for advertising purposes for churches, schools or institutions. Portable signs will only be permitted on the property of the church, school or institution.
5. The height of any portable sign shall not exceed 2.7 metres (9 feet) from the ground level.
6. No more than one portable sign will be permitted per business location at any given time.
7. No property having less than 91.4 metres (300 feet) of frontage on a street shall erect or display more than one portable sign on the property.
8. No property having 91.4 metres (300 feet) or more of frontage, but less than 182.8 metres (600 feet) of frontage on a street shall erect or display more than 2 portable signs on the property.
9. No property with more than 182.8 metres (600 feet) of frontage on a street shall erect or display more than 3 portable signs on the property.
10. There will be a minimum separation of 60.9 metres (200 feet) between any sign on the same frontage of one property.
11. Two portable signs cannot be less than 30.4 metres (100 feet) apart between separate properties.
12. No property with more than one street frontage each exceeding 182.9 metres (600 feet) may display or erect more than 4 portable signs on the property.
13. The duration of a permit for a portable sign shall be no less than 30 days. Permits will be issued for a maximum period of 90 days at which time they will be subject to renewal.
14. No portable sign may be erected in a required parking space in accordance with the applicable zoning regulations.
15. No part of a portable sign shall be less than 0.3 m (1 foot) from the street line and in no case can such a sign be placed within a required parking space. No sign shall be located closer than 3 m (10 feet) from any publically owned roadway or sidewalk.
16. Portable signs shall only be permitted in commercial, industrial, agricultural/rural, development, open space or institutional type zones as defined by the City Zoning By-Laws.

**SCHEDULE "P-2" - SIGN BY-LAW NO. 2009-140**

**PROJECTING SIGNS**

1. A maximum of one projecting sign may be erected or displayed on the side of premises fronting on a highway or public thoroughfare and, in the case of premises with sides fronting on more than one street or public thoroughfare, a maximum of one projecting sign may be erected on each such side.
2. No projecting sign shall be erected or displayed if a ground sign has been erected or displayed in respect to the same side of the premises.
3. No projecting sign or any part of the sign structure shall rise above or be visible above either the parapet, roof, building face or wall.
4. Projecting signs may project out from the face of the building up to 76 centimeters (30 inches) over public property.
5. Notwithstanding the provisions of the foregoing subsections hereof, a permit for any sign or advertising device which projects or is located, in whole or in part, over or on property of the City, and such sign is permitted by the City and complies with this by-law, shall be subject to an encroachment permit through the Engineering Division and shall become null and void on the 31st day of December of each year, and shall be subject to annual renewal.
6. Signs having a surface area of 1.8 square metres (19.37 square feet) or less, and projecting not more than 45.7 centimetres (18 inches) from the building or other support to which it is attached, the lowest part of such sign shall not be less than 2.4 metres (8 feet) above the level of the sidewalk.
7. Mast arm type projecting signs are subject to the following regulations:
  - a. No mast arm sign shall project more than 76.2 centimetres (30 inches) inclusive of hardware and brackets, over public property.
  - b. Sign background shall not exceed 0.3 square metres (3 square feet) in area on any one building. The total area of all mast arm signs shall not exceed 0.3 square metres (3 square feet) for all businesses within the building.
  - c. The support pole or mast shall be of wrought iron or wrought aluminum construction and shall have a sway chain.
  - d. The sign face shall be of metal or wooden construction only and may be illuminated with exterior lighting.
8. Projecting signs shall only be permitted in commercial, industrial, agricultural/rural, development, open space or institutional type zones as defined by the City Zoning By-Laws.

SCHEDULE "P-3" - SIGN BY-LAW NO. 2009-140

PROJECTED DISPLAY SIGNS

1. A maximum of one projected display sign will be allowed to be projected from any property.
2. A maximum of one projected display sign will be allowed to be projected onto any property.
3. Projected display signs shall only be permitted in commercial, development, institutional or industrial type zones as defined by the City Zoning By-Laws.

**SCHEDULE "R-1" - SIGN BY-LAW NO. 2009-140  
REAL ESTATE SIGNS**

1. Real Estate Point of Sale, Lease or Rental signs on privately owned property shall be permitted in all parts of the City, without permit or fee, subject to the following regulations:
2. No sign shall be erected on any premises unless such sign is erected by:
  - a. the owner of the premises or their authorized agent/contractor;
  - b. an occupant of the premises with the owner's permission to do so;
  - c. a registered real estate broker and/or auctioneer in contractual agreement with the owner or with an occupant authorized by the owner to enter into such agreement;
  - d. provided such signs are removed not more than 21 days after the closing date of the sale or lease;
  - e. the area of any one sign does not exceed 1.85 square metres (20 square feet);
  - f. provided that open house signs do not interfere with the safe operation of vehicular or pedestrian traffic;
  - g. not more than 2 open house signs shall be erected per dwelling;
3. Real Estate signs shall be permitted in all zones as defined by the City Zoning By-Laws.

SCHEDULE "R-2" - SIGN BY-LAW NO. 2009-140

REVOLVING SIGNS

1. No sign shall revolve more than 8 rpm.
2. Revolving signs shall only be permitted in commercial or industrial type zones as defined by the City Zoning By-Laws.

**SCHEDULE "R-3" - SIGN BY-LAW NO. 2009-140**

**ROOF SIGNS**

1. Height of a roof sign shall not exceed a maximum of 6.1 metres (20 feet) above the roof to which it is mounted.
2. Roof signs will not be permitted to contravene the height regulations set out in the Zoning By-Law.
3. Area of a roof sign shall not exceed a maximum of 18.58 square metres (200 square feet). When the sign is two sided, the maximum area of each face of the sign shall not exceed 18.58 square metres (200 square feet) per side. In the case of a roof sign with two sides, (V-shaped sign) the angle between each sign face shall not exceed 60 degrees.
4. Off-premise roof signs shall not be located less than 100 metres (328 feet) radius from another off-premise roof sign on the same side of the street.
5. Roof signs shall be limited to one (1) sign per building.
6. The supporting members of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if required bracing, visible to the public, is minimized or covered.
7. Roof signs shall only be permitted in commercial, industrial or institutional type zones as defined by the City Zoning By-Laws.
8. A roof sign is only allowed in lieu but not in addition to a ground sign as permitted in Schedule "G-1".
9. Roof signs are prohibited in all heritage designated areas and on all heritage properties.

**SCHEDULE "S-1" - SIGN BY-LAW NO. 2009-140**

**SANDWICH BOARD SIGNS commonly referred to as an "A-FRAME SIGN"**

1. A maximum of one sandwich board sign is permitted for any one business location or use.
2. The following dimensions shall apply for sandwich board signs:
  - a. Maximum Height - 92.0 centimetres (36.2 inches). For the purposes of this Section only, "height" is defined as the distance between the top of the sign and the surface on which the sign is located when the sign faces are extended.
  - b. Maximum Width - 61.0 centimetres (24 inches). For the purposes of this Section only, "width" is defined as the horizontal distance across the background area of the sign.
  - c. Maximum Length - 61.0 centimetres (24 inches). For the purposes of this Section only, "length" is defined as the distance measured at the surface on which the sign is located between the two sign faces when fully extended.
3. Sandwich board signs shall be located in such a manner so as to provide clear and free pedestrian movement at all times.
4. Sandwich board signs shall be located on the same lot as the business or use to which the sign is accessory. Where it is impossible to locate the sign entirely on the same lot as the business or use, the sign may be placed on the City sidewalk which abuts the lot where the business is located provided that:
  - a. The sign is placed as close as possible to the curb of the roadway where the business is located; and
  - b. A minimum unobstructed sidewalk width of 1.5 metres can be maintained.
  - c. Sandwich board signs shall be removed at the close of business hours.
5. All applications for sandwich board signs shall be made annually, and the fee shall remain as stated in By-Law 2005-10, "A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston", as amended.
6. No part of any sandwich board sign shall be attached to any tree, post, pole or support that is located on a sidewalk or on any other part of a highway.
7. Sandwich board signs shall only be permitted in commercial zones as defined by the City's Zoning By-Laws.

**SCHEDULE "S-2" - SIGN BY-LAW NO. 2009-140**

**SEARCHLIGHT SIGNS AND BALLOON SIGNS**

1. In addition to any other portion of this By-Law the following restrictions shall apply to searchlight signs and balloon signs, blimps or models erected or displayed more than once per year per property.
  - a. No searchlight sign shall be erected for a period exceeding fourteen days.
  - b. No balloon sign shall be erected for more than fourteen days in any calendar year.
  - c. No searchlights shall be directed toward any residence.
  - d. Balloon signs shall only be permitted in commercial, industrial, agricultural/rural, open space or institutional type zones as defined by the City Zoning By-Laws.
  - e. Searchlight signs shall only be permitted in commercial, development, industrial or institutional type zones as defined by the City Zoning By-Laws.

**SCHEDULE "W-1" - SIGN BY-LAW NO. 2009-140**

**WALL SIGNS**

1. A wall sign includes an awning or canopy.
2. A maximum of one wall sign may be erected or displayed on the side of premises fronting on a street or public thoroughfare. In the case of premises with sides fronting on more than one street or public thoroughfare, a maximum of one wall sign may be erected on each such side.
3. The maximum area of a wall sign shall not exceed the lesser of either twenty percent (20%) of the total area of the wall to which it is attached, or 27.8 square metres (300) square feet.
4. A wall sign shall be attached to a wall at a height of not less than 2.1 metres (7 feet) above the grade line or not less than 4.78 metres (15 feet, 6 inches) above the grade line of any alley and shall be in accordance with the Ontario Building Code.
5. A wall sign on the wall beneath the canopy or awning shall have a minimum clearance above the walk of 2.7 metres (9 feet).
6. Where a business has a main entrance on more than one elevation of the building, such secondary frontage may contain a wall sign of the same limitations as prescribed for the primary frontage.
7. Where a business has a secondary frontage but does not have a main entrance to the secondary frontage, such frontage may contain a wall sign not to exceed 20% of the secondary frontage.
8. Where wall signs are located on the top storey of a building in excess of six (6) storeys, the total aggregate area of all wall signs shall not exceed 10% of the area of the wall to which the signs are attached in the storey in which the signs are located.
9. Wall signs shall not project beyond the wall or extend above the parapet to which they are attached.
10. Canopies, awnings, any part thereof, their supports or any attachments to them shall not project over the sidewalk less than 2.4 metres (8 feet) above the sidewalk level including any advertising that is suspended from any awning or canopy.
11. No sign attached to or on an awning or canopy shall project beyond a point 45.7 centimetres (18 inches) inside the curb line of the street.
12. Awning and canopy supports shall not be permitted on public property and may not be located any closer than 1 metre (3.3 feet) from the inner edge of a sidewalk, or where there is no sidewalk, 2 metres (6.5 feet) from the back edge of the curb.
13. Wall signs shall only be permitted in commercial, industrial, agricultural/rural, open space or institutional type zones as defined by the City Zoning By-Laws.

## SCHEDULE "Z-1" - SIGN BY-LAW NO. 2009-140

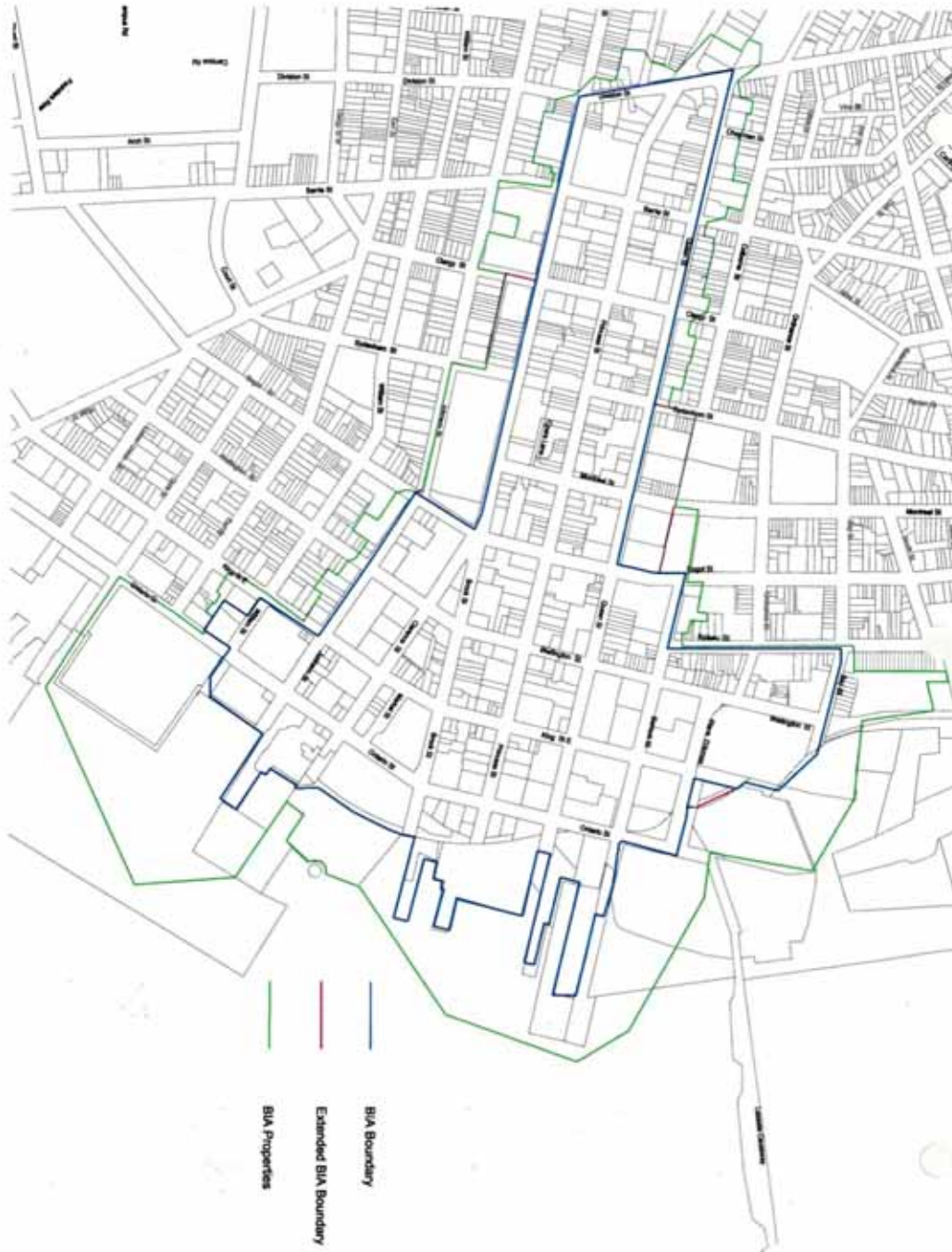
SPECIAL REGULATION AREA – BUSINESS IMPROVEMENT AREA

1. Notwithstanding any of the provisions of this By-law, the following regulations shall govern signs in the downtown Business Improvement Area, and the Business Improvement Area or B.I.A. as defined by By-law No. 87-315, "A By-Law to Designate an Extended Improvement Area in the City of Kingston."
2. No person shall erect or cause to be erected or maintained a roof sign or billboard sign within the boundaries of the B.I.A.
3. Signs placed on, attached to or constructed in a marquee shall be limited to one for each business entrance located on the property.
4. Signs forming part of the marquee and projecting over a public sidewalk shall not be installed at a height of less than 2.7 metres (9 feet) above grade or closer than 45.7 centimetres (18 inches) from the curb edge.
5. Portable signs shall not be permitted in the B.I.A.
6. The copy area allocated to secondary products on multiple message signs shall occupy not more than one-third of the copy area. This restriction, shall not apply to changeable readographs. Principal identification signs are not subject to any limitation of copy area to background.
7. Each business shall be allowed free-standing sign if such signs are designed to be viewed from different directions.
  - a. The total background area of each sign shall not exceed 0.4 square metre per lineal metre (4 square feet per lineal foot) of property frontage which the business occupies, or a maximum of 74.3 square metres (800 square feet) whether on an individual sign or on a sign identifying more than one business concern.
8. In no case shall the height of a free-standing sign exceed a height equal to 0.5 metre to each metre (1-1/2 feet to each foot) of setback;
  - a. The said measurements shall be computed from the centre line of the street upon which the sign is located and measured to the column or columns nearest the street front.
  - b. The height shall be measured vertically from the average grade nearest the supporting columns to the highest point of said sign.
9. There may be a maximum of one ground sign for each property, with the background area of sign not to exceed 0.3 square metres per lineal metre (3 square feet per lineal foot) of property frontage. These ground signs may project to within 45.7 centimetres (18 inches) of the curb line and the supports shall be located only on private property. Each additional street frontage shall be allowed one additional sign.
10. **Sandwich Board Signs:**  
Sandwich board signs shall be located, where possible, on the extended portion of the sidewalks (where these have been installed). Should placing of a sign on the extended portion not be possible, the sign in question may be located otherwise in accordance with the provisions of Schedule "S-1", Section 3.
11. **Wall Signs:**  
There may be one wall sign grouping for each business located on the property, per street frontage with background area of sign not to exceed 15% of the wall it is attached to.. Wall signs are permitted on each side of a building that faces a street or public thoroughfare.
12. Where a business has a main entrance on more than one elevation of the building, such secondary frontage may contain a wall sign of the same limitations as prescribed for the primary frontage.

13. Where a business has a secondary frontage but does not have a main entrance to the secondary frontage, such frontage may contain a wall sign not to exceed 15% of the secondary frontage.
14. Where wall signs are located on the top storey of a building in excess of 6 storeys, the total aggregate area of all wall signs shall not exceed 10% of the area of the facade to which the signs are attached in the storey in which the signs are located.
15. Wall signs shall not project beyond the building facade or extend above the parapet to which they are attached.
16. Notwithstanding the provisions of Section 15 hereof, identification signs or logo signs attached to stairwells or elevator/mechanical room penthouses shall be permitted, provided such signs do not project beyond the walls of the stairwell or penthouse and do not exceed 35% of the area of the wall to which they are attached.

SCHEDULE "Z-2" - SIGN BY-LAW NO. 2009-140

MAP OF BUSINESS IMPROVEMENT AREA



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