

**THE CORPORATION OF THE CITY OF ELLIOT LAKE*****B*Y-LAW NO. 92-92****CONSOLIDATED VERSION**

Being a by-law to regulate the erection and displaying of signs in the Corporation of the City of Elliot Lake and to repeal By-law No. 90-74 as amended.

The Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

**1. SCOPE**

No person shall erect or display a sign or notice on any building, property or vacant lots within the areas set out herein, except in conformity with the provisions of this by-law and the Ontario Building Code.

**2. DEFINITIONS**

2.1 Building Frontage: shall mean the exterior wall of a building fronting onto a street or pedestrian way and in the case of a commercial building, each and any story of such building used for commercial purposes.

2.2 Building Line: shall mean a line within a lot drawn parallel to a lot line, and establishes the minimum distance between that lot line and any building or structure which may be erected.

2.3 Fascia Sign: shall mean a sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall, not extending above the top of the wall nor beyond the ends of the wall to which it is attached.

2.4 Free Standing Sign: shall mean a sign supported directly from the ground by a structure whose principal use is the support of the sign.

2.5 Lot Line: shall mean any boundary of a lot.

2.6 Parapet Sign: shall mean a sign erected to extend, in whole, above the roof line of the building.

2.7 Sidewalk Sign: shall mean any sign located on a municipal sidewalk or pedestrian right-of-way.

2.7.1 Sign: shall mean any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device or notice; but excludes an election sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election.

2.8 Street: shall mean a public highway, or a private thoroughfare of not less than 15.24 metres in width, which affords a principal means of vehicular access to the abutting lots.

2.9 Strip Mall: shall mean a distinct commercial area under one owner containing several businesses and shall include Hillside Plaza, Dieppe Mall, Paris Plaza and Oakland Mall.

2.10 Temporary Sign: shall mean all other advertising devices, signs or notices where such are located on buildings or private lots.

### **3. SIGNS**

Signs shall be classified as fascia signs, parapet signs, free-standing signs, temporary signs or sidewalk signs and shall be controlled as to location and size as follows:

#### **3.1 Residential Zones and Lands Abutting Streets**

No person shall use any building, structure or land abutting any street within any zone designated as “R1”, “R1M”, “R2”, “R2M”, for the erection or display of a sign other than:

- a) one non-illuminated real estate sign not exceeding 0.37 m<sup>2</sup> in area advertising the sale, rental or lease of such building, structure, or lot, and/or
- b) one non-illuminated non-trespassing, safety or caution sign not exceeding 0.185 m<sup>2</sup> in area, and/or
- c) one sign not exceeding 0.185 m<sup>2</sup> in area indicating the name of a legally established home occupation, and/or
- d) one free standing sign not exceeding 1.49 m<sup>2</sup> for advertising the name of an apartment complex in an “R2” or “R2M” Zone, subject to the provisions of Section 3.2.3.

### 3.2 Commercial, Industrial, Institutional and Rural Zones

No person shall use any building, structure or land abutting any street or highway within any zone designated as “C1”, “C2”, “C3”, “C3M”, “C4”, “CM”, “M”, “I”, Rural “A” or Rural “B”, for the erection or display of any sign except in conformity with the provisions of sections 3.2.1, 3.2.2, 3.2.3, 3.2.4 and 3.2.5, and such signs shall pertain to the ownership or use conducted within the building or on the land to which it is attached.

#### 3.2.1 Fascia Signs

The total area of fascia signs shall not exceed 0.185 m<sup>2</sup> for each lineal 0.30 metres of building frontage and such signs shall be subject to the following regulations:

- a) fascia signs shall be attached flat against the wall of the building;
- b) the building exterior walls shall be deemed to be separate building frontages for the purpose of calculating permitted area of signs on each individual wall;
- c) With respect to a building on a corner of a street and/or pedestrian way, the building frontage on each street lot line or on each pedestrian way lot line shall be deemed to be separate building frontages for the purposes of calculating the permitted area of signs;

- d) the permitted area for each separate building frontage shall not be combined to erect one or more signs on any one separate building frontage.
- e) Where letters, figures or symbols are fixed to a wall separately to denote the name of the business or service, then the sign area shall be deemed to be the area contained within a line surrounding all of the letters, figures, or symbols.
- f) notwithstanding paragraph 3.2.1 Fascia Signs, one fascia sign, not exceeding 29.17 m<sup>2</sup> in area shall be permitted on the front elevation and one fascia sign not exceeding 34.37 m<sup>2</sup> in area shall be permitted on the rear elevation of the No Frills Supermarket at 22 Mary Walk

### 3.2.2 Parapet Signs

Parapet signs shall be allowed provided that:

- a) one sign, not exceeding 3.71 m<sup>2</sup> in area shall be permitted for each business premise.
- b) no business shall display more than one parapet sign;
- c) no sign that has flashing or intermittent illumination shall be erected if the sign is visible from a residential zone;
- d) proof of the structural stability of the sign and the roof assembly upon which the sign is to be erected shall be provided by the owner.

### 3.2.3 Free-Standing Signs

In addition to signs permitted under section 3.2.1 and 3.2.2 free-standing signs shall be permitted, provided that:

- a) one sign, not exceeding 3.71 m<sup>2</sup> in area shall be permitted for each business premise except on the premises of an automobile service station, hotel, motel or restaurant where one sign may be erected not exceeding 9.29 m<sup>2</sup>;

- b) one sign, not exceeding 9.29 m<sup>2</sup> in area, shall be permitted for the general advertising of a shopping centre or strip mall;
- c) the bases of all free-standing signs shall be located a minimum of 1.22 metres from any lot line and such signs shall not project over the lot line or the vertical extension thereof;
- d) no sign that has flashing or intermittent illumination shall be erected if the sign is visible from a residential zone;
- e) notwithstanding subparagraph 3.2.3 (b) above, nothing in this by-law shall prevent the erection of three free-standing signs, one sign not to exceed 23.90 m<sup>2</sup>, one sign not to exceed 18.58 m<sup>2</sup> and one sign not to exceed 9.29 m<sup>2</sup> in area, on the lands associated with the shopping complex erected by Algocen Realty Holdings Limited and generally located on the southwest side of Ontario Avenue and the south side of Hillside Drive North;
- f) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 15 m<sup>2</sup> in area, on the lands associated with the All Seasons Sports Centre on Kilborn Way, more particularly described as being those lands comprised of Parts 3 and 4, Plan 1R-2737, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;
- g) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 10.7 m<sup>2</sup> in area, on the lands associated with the Canadian Tire Corporation Associate Store on Hillside Drive South, more particularly described as being those lands comprised of Parts 1 to 5 inclusive on Plan 1R-2956, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;
- h) nothing in this by-law shall prevent the erection of one three-sided free-standing sign, not exceeding 24.6 m<sup>2</sup> in area, on the lands associated with O'Tooles Roadhouse Inn on Ontario Avenue, more particularly described

as being Block "B" on Plan M-150, recorded and registered in the Land Registry Office for the Land Titles Division of Algoma at Sault Ste. Marie, Ontario;

- i) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 20.0 m<sup>2</sup> in area, on the unraveled portion of Kilborn Way located on the west side of the highway adjacent to the Kilborn Way, Hillside Drive South intersection, provided there is a written Agreement in place pursuant to Section 3.2.4 hereof;
- j) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 7.55 m<sup>2</sup> in area, on the lands associated with Choice Tire Repair Centre located at 6 Oakland Boulevard;
- k) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 10.41 m<sup>2</sup> in area, on the lands associated with Kentucky Fried Chicken (Scott's Hospitality Inc.) located at 3 Kilborn Way.
- l) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 30.2 m<sup>2</sup> in area, on the lands associated with Elliot Lake Civic Centre located on Highway No. 108.
- m) notwithstanding subparagraph 3.2.3 a) above, one free-standing sign, not exceeding 6.15 m<sup>2</sup> in area, shall be permitted on the lands associated with White Mountain Academy of the Arts located at 99 Spine Road.
- n) nothing in this by-law shall prevent the erection of one free-standing sign, not exceeding 11.15 square metres in area, providing a business directory listing of the South Industrial Area, located on the south side of Kilborn Way, 5 metres from the road allowance and 120 metres west of the southernmost corner of Kilborn Way and Highway 108.

### 3.2.4 Temporary Signs

Temporary signs may be permitted provided that:

- a) one sign or signs, not exceeding 3.71 m<sup>2</sup> or 3.71 m<sup>2</sup> in combined area, be permitted for each business premise, shopping centre or strip mall.
- b) section 3.2.4 (a) does not apply to "other advertising devices";
- c) signs may be allowed for a 6 week period;
- d) a permit for a sign may be issued 4 times a year with a 2 week minimum hiatus between permits;
- e) only the Chief Building Official shall control the location of the sign, having regard for the intent of this by-law, safety matters and other Municipal By-laws or governmental regulations.
- f) no sign shall be lighted unless the wiring and connections are in full accordance with Ontario Hydro regulations;
- g) no sign that has flashing or intermittent illumination shall be erected, if the sign is visible from a residential area;
- h) the sign shall be removed exactly on the expiry date, before the close of business or action will be pursued through the enforcement procedures of the Provincial Offences Act and the sign shall be removed at the owner's expense;
- i) a charge of \$100 is hereby imposed, as liquidated damages and not as a penalty, upon the owners of all temporary signs that are removed pursuant to this section.

### 3.2.5 Sidewalk Signage

Sidewalk signs may be permitted in "C1" Zones provided that:

- a) one sign, not exceeding 1.1 m<sup>2</sup> for each panel may be permitted for each business premise and shall not be less than 1.2 m. in height;
- b) the sign shall be located within the building frontage to which it relates and on an established municipal sidewalk abutting the building frontage;
- c) the location of the sign shall not impede pedestrian traffic and shall be located in accordance with the instructions of the Chief Building Official, who will have regard for the intent of this by-law, safety matters and other Municipal By-laws or governmental regulations;
- d) the sign shall be removed daily prior to the expiration of business hours;

- e) an agreement indemnifying the municipality shall be entered into prior to the display of the sidewalk sign;
- f) a permit issued under this subsections shall expire December 31st in the year of issuance.

### 3.2.6 Signs on Public Lands

- a) The Council of The Corporation of the City of Elliot Lake may enter into a lease agreement with a person proposing to erect a sign on municipal property within any commercial, industrial or institutional zone, permitting the erection of a sign not exceeding in area 9.29 m<sup>2</sup> , but in the absence of such agreement no sign shall be erected on municipal property by a person other than the Municipality.
- b) Lease agreements made under authority of this section shall not be less than 12 months in duration.
- c) Signs shall not be allowed to interfere with the normal business of adjoining land owners.
- d) Signs shall be placed no closer than 45m apart.
- e) Signs shall be removed on or before the expiry date of the lease or before the cessation of the business, whichever shall occur first.
- f) Any sign not removed in accordance with the provisions of this section shall be removed at the lease holders expense, and the lease holder shall in addition to any other penalty pay a removal fee of \$100.00 as liquidated damages, and not as a penalty for any sign removed pursuant to this section.

### 3.2.7 Signs On Highway 108

- a) Notwithstanding subsection 3.2, signs may be erected along Highway 108 between the Elliot Lake Municipal Airport and the built up area of the City subject to the approval and specifications of the Ministry of Transportation of Ontario.
- b) Notwithstanding subsection 3.2, one sign advertising Dunlop Lodge may be erected on the east side of Highway 108 north of the former Stollery Lake Trailer Park entrance subject to the approval and specifications of the Ministry of Transportation of Ontario.



- c) Notwithstanding subsection 3.2, one sign advertising Dunlop Sunset Park may be erected on the east side of Highway 108 approximately 0.4 kilometres south of the Stanrock Mine access road subject to the approval and specifications of the Ministry of Transportation of Ontario.
- d) Notwithstanding subsection 3.2, one sign advertising the Mount Dufour Ski Area may be erected on the east side of Highway 108 approximately 0.6 kilometres south of Mountain Road, subject to the approval and specifications of the Ministry of Transportation of Ontario.
- e) Notwithstanding subsection 3.2, the existing sign advertising the other business activities of the Esso Service Station, located on the east side of Highway 108 immediately in front of the Esso Service Station, shall be permitted, subject to the approval of the Ministry of Transportation of Ontario.
- f) Notwithstanding subsection 3.2, two 4 X 8 foot signs, one atop the other, providing advertising for Caruso Gardens Limited and Elliot Lake Veterinary Clinic may be erected on the north side of Highway 108, 200 metres east of Milliken Mine Road, subject to the approval and specifications of the Ministry of Transportation of Ontario.
- g) Notwithstanding subsection 3.2, one sign providing advertising for the Inn on the Lake may be erected on the east side of Highway No. 108 immediately in front of the hotel main entrance, subject to the approval and specifications of the Ministry of Transportation of Ontario.
- h) Notwithstanding subsection 3.2, one 4 X 8 foot sign, providing advertising for the Elliot Lake Pony Club may be erected on the north east corner of Highway 108 and Milliken Mine Road.
- i) Notwithstanding subsection 3.2, one 4 X 1 foot sign, providing direction to the New Life Pentecostal Assembly church, may be erected on the north west corner of Highway 108 and Esten Drive South

### 3.3 Sign Standards

All signs shall be maintained in good repair and in a structurally sound condition, and any signs that are excessively weathered or faded, or those upon which the paint has excessively peeled or cracked, shall be removed or put into a good state of repair along with their supporting members.

### 3.4 Illegal Signs

The Corporation of the City of Elliot Lake may cause to be pulled down or removed at the expense of the owner any sign, that is erected, displayed, repaired, replaced, reconstructed, or altered in contravention of this by-law;.

## 4. PERMIT

4.1 Refer to the Municipal User Fees By-Law for appropriate fees. (24-05)

4.2 All applications for a permit shall be accompanied by drawings, in duplicate, plot plans, in duplicate, drawn in a ratio of fifty (50) to one (1) and any documentation requested by the Chief Building Official.

4.3 The Chief Building Official may deny any permit to erect a sign or signs which in his opinion is not aesthetically compatible with the physical surroundings or the general intent of this by-law.

4.4 All applications shall be processed and permits issued or denied by the Chief Building Official or his designate.

4.5 An appeal of any decision made by the Chief Building Official with respect to the issuance or denial of a permit to erect a sign may be lodged with the Council of the City of Elliot Lake. A decision of the Chief Building Official may not be overturned unless by resolution of Council.

**5. PENALTY**

Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than five thousand dollars (\$5,000.00), exclusive of costs, for each offence.

**6. REPEAL**

That By-law No. 90-74 as amended, is hereby repealed.

**PASSED** this 14<sup>th</sup> day of December, 1992.

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**MAYOR**

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**CITY CLERK**