

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - June 15, 2020 at 8:30 AM

MEETING - VIRTUAL MEETING

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Conference ID: 503 607 575#

	Page
1. <u>Call to Order - 0830am</u> Session #22.	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u> 3.1 Approval of Previous Meeting Minutes.	2 - 3
4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u>	
5. <u>In-Camera</u>	
6. <u>Items Referred from Council</u> 6.1 Re-Zoning RefleXion Studio.	4 - 7
7. <u>New Business</u> 7.1 Site Plan Control Discussion. 7.2 Sign By-Law Enforcement.	8 - 21
8. <u>Outstanding Items</u>	
9. <u>Information</u>	
10. <u>Non-agenda Items</u>	
11. <u>Adjourn / Next Meeting Date</u> Monday June 29th, 2020 - 0830am.	

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #21

May 19, 2020

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held as a Virtual Meeting on May 19, 2020 from 8:30 a.m. to 9:00 a.m.

PRESENT: J. McTaggart - Chairperson, W. Brunetta - Councillor, D. Judson - Councillor, Mayor J. Caul (ex-officio)

ALSO PRESENT: D. Brown, CAO, C. Vangel, CBO/Planner, P. Briere, Committee Secretary

1. Call to Order - 0830am
Session #21

2. Disclosure of pecuniary interest and the general nature thereof
None.

3. Approval of Previous Committee Minutes

- 3.1 Approval of Previous Meeting Minutes.
- Approved as presented.

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.
None.

5. In-Camera
None.

6. Items Referred from Council
None.

7. New Business

- 7.1 814/820 Scott Street – Zoning By-Law Amendment (B2-2020) & Official Plan Amendment (C1-2020).
- The Planning & Development Executive Committee received an overview of this item from Administration. A discussion was had and the Planning & Development Executive Committee is recommending to approve the report as presented.
- 7.2 814/820 Scott Street – Site Plan Control Agreement (SPC02-2020).
- The Planning & Development Executive Committee received an overview of this item from Administration. A discussion was had and the Planning & Development Executive Committee is recommending to approve the report as presented.
- 7.3 Chief Building Official Request for Delegation of Authority to Enter into Agreements – Conditional Building Permits.
- The Planning & Development Executive Committee received an overview of this item from Administration. A discussion was had and the Planning & Development Executive Committee is recommending to approve the report as presented.

8. Outstanding Items
None.

9. Information
None.

- 10. Non-agenda Items**
None.
- 11. Adjourn / Next Meeting Date - 0900am**
Monday June 1st, 2020.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee

To Mayor June Caul and our Fort Frances town Council,

I hope this letter finds you well in these uncertain times. I want to take this opportunity to thank you all on the hard decisions you have made and swift action to protect the health and wellbeing of our community at large.

As a small business owner of the past few years, I know the surface level of your efforts taken seem easy enough; but the depth of work required to make things happen often goes unnoticed.

I thank you for your long days into the evening of deliberation, education and action during these times. As we can not meet in person, I hope you can allow me to explain myself in letter format.

This letter comes to ask you and the Committee of Adjustment and Planning and Development Executive Committee for additional deliberation in regards to my small business and the location it resides. During this economic crisis I have put myself in a situation, I hope to humbly ask for your assistance to remedy.

For the past 12 years I have worked as a Health Coach around our community. I have worked mobile most of the time with local sports teams, with our First Nation Communities and training in our local Memorial Sports Center.

I also work within clients homes who struggle with disabilities or mental health concerns that can not be met by our local establishments currently; who feel most comfortable with me in their own environment.

Working in so many homes, I was always asked to build home gyms and the word spread. Our First Nation communities also hired me to construct their own facilities and educate proper care, maintenance and use of fitness equipment and lifestyle coaching. This business came from my passion for making fitness accessible and inclusive to everyone - and it came suddenly.

In late 2019, upon opening my business up to wholesale distribution and construction of home and commercial fitness equipment I needed a space to run my business.

My business is diverse with nutrition coaching, personal training, classes and seminars and now needing to have the means for trucks to deliver to my site with a large shop door for my sales of thousands of pounds of equipment at once.

I found a shop on 840 6th Street West that I could rent that had enough space for my office, large door for equipment delivery, secure back lot storage for my distribution.

This also gave me a space where I could train my clients one on one, small groups or sports teams. I pride myself for working with our aged population and much of my equipment can be used by those with disability due to age or injury.

My goal is for people to be inspired to enjoy their life - by the means of being truly healthy and accepted by means of education and reflection on what matters to them. This was hard to do in a community space not offering that environment.

This location is zoned as Light Industrial (M1). I believe my sales and construction do meet in definition. A portion of my business would be requiring a zone in which recreation or fitness establishments are

permitted. These would be General Commercial (C2), Enterprise (E), and Tourist Commercial (TC) zones.

I will openly admit I had spoken to Chief Building Official / Municipal Planner, Cody Vangel prior to see if this would be acceptable space. He was extremely helpful and his guidance and professionalism I am greatly appreciative of. But not knowing how I could fulfil my contracts and knowing no other buildings fit my needs I did take this rental space. I can not afford to own two locations for separate but similar business needs.

From a standpoint of our town's financial security my athletic camps every year bring in on average 30-60 families spending nights in hotels and restaurants for sports tourism. And with this space we could increase that stream of healthy tourism to hundreds. I work alongside Northwestern Hockey Camp, the Fort Frances Lakers, Hosting coaching clinics from my years of education, Working with Jamie Davis to offer our local youth programming or bringing in guest coaches from around Canada.

This will draw many people from the USA and surrounding areas, over 114 of my clients already reside outside of Fort Frances. My establishment is completely mobile and I intend on hosting events such as strongman competitions, healthy lifestyle challenges, environmental initiatives as part of the "Reflection with Reflexion Studio".

I have invested in Fort Frances, on more than a financial level. My passion has always been to aid people in their wellbeing. I moved back to Fort Frances as a young professional because I value my home, I value the people and I hope this letter can ask my town leadership to value my passion as well.

My business was just starting when Covid shut us down and we will persevere no matter what comes next; but we hope it will be in our small studio in Fort Frances. Covid puts us in a large strain financially to pay the \$1800 non-refundable fee for rezoning application to not know if my business could continue once paid in the chance of getting denied.

I hope I could ask for a payment structure, delay or reduction of this fee. My business is set to aid our local economy and I hope to have a sense of community with the large plans me and my fiancée have for Reflexion Studio.

I thank you for your consideration and look forward to speaking with you at your earliest convenience,

Ian McKay

A handwritten signature in black ink, appearing to read 'Ian McKay', with a stylized, cursive script.

Date: June 11, 2020

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Ian McKay – Request for Planning Application Cost Relief

In the fall of 2019 Ian McKay met with me and Lisa Slomke to explore potential rental or purchase options that we may be aware of around town for him to conduct his business. At that time, a few options were verbally discussed, but nothing was solidified or decided upon in that meeting.

One challenge with Ian's business is the two varied aspects; on one side there is the fitness and training classes, whereas the other side is the manufacturing or constructing of actual fitness equipment.

As defined under the zoning by-law, Ian's fitness portion of the business falls under the following definition:

RECREATION OR FITNESS ESTABLISHMENT Premises where entertainment or fitness instruction is offered for gain or profit such as a motion picture or other theatre, a bowling alley, an ice or roller skating rink, a gym, indoor rock climbing, fitness centre, fitness instruction including yoga, batting cages, miniature golf course and all other similar forms of recreation or fitness activities.

A recreation or fitness establishment is a permitted use within the General Commercial (C2), Enterprise (E), or Tourist Commercial (TC) zones.

However, the gym construction portion fits well within the following definition:

MANUFACTURING, LIGHT The assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location and which does not produce waste water in excess of 4500 litres per day, chemical by-products or utilize and area for outdoor storage of goods or materials except for equipment or vehicles which are for sale, lease or hire.

Light manufacturing fits well within the manufacturing or processing within an enclosed building which is a permitted used in the Light Industrial (M1) zone.

Ian has selected a location for his business at 840 Sixth Street West, which is currently zoned Light Industrial (M1). As described above, this location works well for the gym construction portion, though does not permit the recreation or fitness establishment portion of the business. It should be noted that his business has already moved into the location and began operation.

To achieve compliance with the zoning by-law Ian would be required to apply for a zoning by-law amendment to request a site-specific permitted use of a recreation or fitness establishment. The application fee for a rezoning application is \$1,800.00, non-refundable, and the application is subject to decision by Mayor & Council.

This report is intended as supporting information with regard to Ian's letter that will be considered.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish at the end.

Cody Vangel, EIT
Chief Building Official & Municipal Planner

TOWN OF FORT FRANCES

BY-LAW 19/10

(Being a By-Law to regulate the erection of signs and other advertising devices within the Town of Fort Frances)

WHEREAS Part I, subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c 25, as amended provides that a municipal power shall be exercised by by-law;

AND WHEREAS Part II, subsection 10(2) of the *Municipal Act, 2001* authorizes a single tier municipality to pass by-laws respecting the erection of structures including fences and signs;

AND WHEREAS on May 8, 2006 Council gave its approval for the preparation of this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

Short Title

This By-Law may be cited as the "Sign By-Law".

Scope

This By-Law shall apply to all lands within the corporate limits or lands within the municipal jurisdiction of the Town of Fort Frances.

PART I DEFINITIONS:

In this By-law:

1. **Agents** means a corporation, or authority wholly owned or controlled by the Corporation of the Town of Fort Frances
2. **Alteration** means any change to the structure of the Sign other than replacement of the Copy, as defined in this section, or maintenance, repair, or change of ownership of the structure.
3. **Area of Sign** means the area of a single face of a Sign within the perimeter that forms the outside shape including any frame forming an integral part of the display but excluding any supports or uprights upon which the Sign may be placed.
4. **Awning** means a cover attached to and projecting from a building structure that may or may not be retracted, folded or collapsed against a building structure.
5. **Candidate** means a person officially nominated as a candidate in an election.
6. **Canopy** means that portion of a building which projects for the purpose of giving cover at an entrance and which may or may not have a Sign thereon.
7. **Chief Building Official** means the Chief Building Official appointed by By-Law of the Corporation of the Town of Fort Frances and Building Inspector shall have a corresponding meaning.
8. **Copy** means the message in letters, numerals, pictorial or graphic design on a Sign surface either in permanent or removable form.
9. **Corporation** means the Corporation of the Town of Fort Frances.
10. **Council** means the elected Council of the Town of Fort Frances.

11. **Lot** means a parcel of land, which is capable of being legally conveyed pursuant to Section 50 of the *Planning Act*.
12. **Lot Corner** means a lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty five (135) degrees is contained between the front and side lot lines abutting the said street or streets.
13. **Lot Interior** means a lot other than a corner lot.
14. **Lot Line** means any boundary of a lot and/or the vertical projection thereof and Property Line has a corresponding meaning. A line dividing one property from another property.
15. **Lot Line Front** means
 - a. In the case of an interior lot, the lot line dividing the lot from the street.
 - b. In the case of a corner lot, the shorter lot line abutting the street.
 - c. In the case of a through lot or a corner lot with two lot lines of equal length abutting streets, the lot line used for the principle entrance.
 - d. In the case where a lot abuts only a street cul-de-sac, all of the frontage on the street cul-de-sac.
16. **Lot Line Rear** means the lot line farthest from or opposite to the front lot line.
17. **Lot Line Side** means a lot line other than a front or rear lot line.
18. **Marquee** means an attachment to a building which projects for the usual purposes of giving cover and which may or may not have advertising Signs thereon.
19. **Officer** means a Municipal By-Law Enforcement Officer or a Provincial Offences Officer or a Police officer whose duties include the enforcement of this By-Law.
20. **Owner** means the registered owner, lessee, tenant, mortgagee in possession, or the person in charge of a parcel of land.
21. **Person** means an individual, firm, corporation, association, or partnership and includes an Owner.
22. **Property Line** means any boundary of a lot and/or the vertical projection thereof and Lot Line has a corresponding meaning. A line dividing one property from another property.
23. **Public Authority** means any Federal, Provincial, District or Municipal Agencies, including local boards thereof, any Public Utility Commission including telephone, gas and hydro and all Boards of Education.
24. **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 Town of Fort Frances, Fort Frances Power Corporation, Bell Canada or Shaw Cable.
25. **Road Allowance** means the allowance for a public road and includes the travelled and untravelled portions of the Road Allowance, the road shoulders, ditches, boulevards and sidewalks.
26. **Sidewalk** means a public sidewalk constructed primarily for the use of pedestrian traffic located on a Road Allowance and not including a sidewalk on private property.
27. **Sight Triangle** means a triangular area of visibility that is determined by measuring, from the point of intersection of two Street Lines of a corner lot a distance of 4.5 metres along each Street Line and joining such points with a straight line, or where the two street lines do not intersect at a point, the point where such Street lines would intersect based on the projection of the street lines or the intersection of the tangents to the street lines, and as shown on Schedule "A" to this By-Law

- 28. Sign** means any advertising device, notice or visual medium including its structure and other component or appurtenant parts, which is used for or capable of being used to attract attention to a specific subject matter, other than itself, for identification, information or advertising purposes.
- 29. Sign, Banner** means a Sign produced on cloth, paper, fabric or other material, that displays a written or graphic message and is not enclosed or mounted into or on a rigid frame.
- 30. Sign, Bench** means any Sign that is painted on, placed or attached to a bench.
- 31. Sign, Billboard** means a Sign structure produced by a billboard or Sign company expressly to provide advertising space in a retail capacity, not as a tourist directional Sign and located on property other than the property upon which the advertised commercial/promotional business is located.
- 32. Sign, Canopy** means a Sign affixed to or forming part of a Canopy.
- 33. Sign, Cartop** means any sign that is displayed on top of a vehicle.
- 34. Sign, Construction Site** means a Sign advertising the construction of a building, structure, roadway, or utility infrastructure which may or may not include the names of other entities involved in the project and which may or may not have a graphic or artistic rendition of the completed project.
- 35. Sign, Contractor** means a Sign advertising the name and address of the contractor or contractors responsible for executing the works.
- 36. Sign, Election** means any type of Sign that
- Promotes , directly or indirectly, the candidacy of any person for election held in accordance with the *Canada Elections Act*, the *Elections Act*, R.S.O. 1990 cE.6, *Municipal Elections Act*, 1996, S.O. 1996.
 - Is intended to influence persons to vote for or against any question or by-law submitted to electors, solicit votes for or promote the election of a person or political party seeking public office.
- 37. Sign, Electronic Message Board** means a Sign or section of a Sign which is electronically controlled and which displays information in a pre-arranged sequence, and on which the intensity of the illumination is maintained at a constant level
- 38. Sign, Encroaching** means any Sign that hangs or projects over or encroaches upon any public Street, sidewalk, laneway or thoroughfare, and includes any device used as support for such Sign.
- 39. Sign, Face** means that portion of a Sign, excluding the Sign structure, upon which, as part of, against or through which the message of the Sign is displayed.
- 40. Sign, Fascia** means a flat Sign that does not project more than 0.3 metres from the surface of the building or structure to which it is attached.
- 41. Sign, Garage Sale** means a Temporary Sign erected to advertise the sale of personal merchandise in a private yard held on property and Yard Sale Signs shall have a corresponding meaning.
- 42. Sign, Ground** means a Sign directly supported by the ground without the aid of any other building or structure other than the Sign structure.
- 43. Sign, Height** means the vertical distance measured from the surface of the ground directly beneath the Sign to the top of the Sign frame or structure.
- 44. Sign, Identification** means a Sign, included in whole or in part, only the name, address and telephone number of the premises, including any insignia related thereto, plus the name, address and telephone number of the Owner and/or manager of the premises.

- 45. Sign, Mobile** means a Sign, which is considered to be Temporary and placed for a specific period of time, not exceeding 6.7 square metres in area and 3.0 metres in height that consists of changeable Copy and situated on the ground but not permanently affixed thereto and is designed to facilitate its movement from place to place.
- 46. Sign, Official** means a Sign required by or erected on behalf of any Federal, Provincial, Regional or Municipal government or agency or Public Utility.
- 47. Sign, Permit** means a permit, issued by the Chief Building Official pursuant to the provisions of this By-Law, in the form of Schedule "C" to this By-Law.
- 48. Sign, Projecting** means a Sign attached and perpendicular to the face of a building.
- 49. Sign, Public Information** means
- A Sign erected by or for a government agency.
 - Signs designating public hospitals, churches, schools, public library, community centres, or other government use.
 - Signs erected within parks, stadia or playgrounds.
 - Signs erected for the purpose of indicating the status of contributions toward a community project.
 - Signs erected for the purpose of promoting a community festival or event sponsored or recognized by Council.
- 50. Sign, Real Estate** means a Sign erected for the purposes of advertising the sale, lease or rent of the property on which it is located.
- 51. Sign, Roof** means a Sign, which is located entirely on or above the main roof of a building or located entirely above the parapet of a building.
- 52. Sign, Sidewalk** means a freestanding Sign typically shaped like an "A", has one or two faces, is generally used to promote daily specials, sales or special events and is removed and repositioned daily, typically known as a "sandwich board".
- 53. Sign, Structure** means a structure, which supports, did support or which is constructed to support a Sign Face, and which in turn is supported by the ground or a building or structure.
- 54. Sign, Temporary** means a sign that shall be erected for a specific time period that may or may not consist of changeable Copy and includes Mobile Sign(s), Election Sign(s), Real Estate Sign(s) Banner Sign(s) Garage Sale or Yard Sale Signs.
- 55. Sign, Wall** means a Sign entirely supported by or through the face of a building or structure, or by component members comprising all or a part of the said Sign, and includes a Fascia Sign.
- 56. Sign, Yard Sale** means a Temporary Sign erected to advertise the sale of personal merchandise in a private yard held on property and Garage Sale Signs shall have a corresponding meaning.
- 57. Street** means a public highway or public road under the jurisdiction of the Corporation and which is presently open and maintained by the Corporation on a year round basis.
- 58. Street Line** means the limit of the Street and is the dividing line between a lot and a Street.
- 59. Street Frontage** means the total cumulative measured distance of all Street Lines abutting a property.
- 60. Uncontrolled Intersection** means an intersection of two or more streets where no traffic lights or four-way stop signs are used to indicate the right-of-way.

61. **Yard** means any unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the Lot Line.
62. **Yard, Front** means a Yard extending across the full width of the Lot between the front Lot Line and the nearest part of any building or structure on the Lot for which the Yard is required and as shown on Schedule "A" to this By-Law.
63. **Yard, Rear** means a Yard extending across the full width of the Lot between the rear Lot Line and the nearest part of any building or structure on the Lot for which the Yard is required and as shown on Schedule "A" to this By-Law.
64. **Yard, Side** means a Yard extending from the front Yard to the rear Yard and as shown on Schedule "A" to this By-Law.
65. **Zoning By-Law** means any by-law administered by the Town of Fort Frances passed pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.

PART II GENERAL PROVISIONS AFFECTING ALL SIGNS:

1. No Person shall erect or display, or cause to be erected or displayed, any Sign except in compliance with the provisions of this By-Law.
2. Unless expressly exempted by this By-Law no Person shall erect or display, or cause to be erected or displayed, any Sign within the Town of Fort Frances on publicly or privately owned lands without first obtaining a permit under this By-Law and all fees therefore required are paid.
3. Fees for sign permits shall be as prescribed by the Town of Fort Frances User Fees By-Law in effect on the date that the permits are issued.
4. Applications for Sign permits shall be made to the Chief Building Official in the form of Schedule "B" to this By-Law and shall be fully completed and shall be accompanied by the submission of, documents showing the location of the sign on the property in the form of a site plan or property survey, the message to be displayed and the design of the Sign, its structural components and method of affixing to a building or ground.
5. Permits for Signs are to be obtained by and shall only be issued to the Owner of the property unless written permission to apply for and obtain a permit is provided by the Owner.
6. No Sign or advertising device shall be erected or displayed upon property owned by the Town of Fort Frances unless authorized by resolution of Council.
7. No Sign shall be erected or displayed such that it would screen from view, obstruct or impede any emergency vehicle access, fire route, fire escape, hydrant, standpipe, fire exit, exit direction marker, light, door, window, fire fighters access panel, or other fire safety device or prevent or impede free access from or to any part of a building.
8. No Sign shall obstruct, impede or inhibit any parking space, loading space, driveway or aisle required by the Town of Fort Frances Zoning By-Law.
9. No Sign shall obstruct or impede pedestrian traffic nor obstruct or impede clear visibility of approaching pedestrian traffic.
10. No Person shall erect or display or cause to be erected or displayed any Sign within the boundaries of a Sight Triangle.
11. No Sign shall resemble any regulatory traffic sign established under the *Highway Traffic Act* or the regulations made thereunder or be used for the purpose of attempting to direct the movement of traffic.

12. No Sign shall have a colour, shape or location, which may cause it to be confused with any traffic control sign, signal or device.
13. No Sign shall be erected or displayed in such a manner as to interfere with any public service or utility.
14. Every Sign shall comply with the provisions of the Electrical Safety Code, the *Occupational Health and Safety Act*, the *Construction Safety Act*, the *Building Code Act* and the Ontario Building Code.
15. All Signs subject to the regulations contained within the Ontario Building Code shall be subject to the issuance of a building permit and fees for same shall be as prescribed for building permits by the Town of Fort Frances User Fees By-Law as amended from time to time.
16. Electrical wiring accessory and appurtenant to a Sign are prohibited on the surface of a parking lot, driveways and walkways or any area so determined as to be likely to have pedestrian traffic.
17. No Sign shall project over an area to which pedestrian traffic has access unless it has a clearance of not less than 2.5 metres.
18. No Sign shall project over an area to which vehicular traffic has access unless it has a clearance of not less than 4.25 metres.
19. No Sign shall be permitted on a traffic island or median on a public thoroughfare.
20. No Sign shall be placed on or over any Official Sign unless it is another Official Sign.
21. No Sign shall be attached to a tree, shrub, hedge or bush.
22. All Signs shall be kept in a state of good repair by the owner, and not pose a health or safety risk to the public. Copy will be kept clearly legible. Where a Sign is not constructed of corrosion resistant material it shall be maintained in a painted condition and free of rust.
23. No Person shall erect a Sign in a location, which may interfere with or damage any above ground or below ground municipal or other utility services, which have been lawfully placed at that location.
24. No Person shall erect or locate a Sign which is deemed to be an Encroaching Sign without first obtaining an encroachment agreement with the Town.

PART III SPECIAL PROVISIONS RESPECTING CERTAIN SIGNS:

1. **Continued Use of Existing Sign.** Any Sign legally permitted by Sign Permit prior to the passing of this By-Law and which does not otherwise meet the provisions of this By-Law may be operated, maintained and controlled in the same manner as though it had been permitted under this By-Law.
2. **Private Signs erected on Town property.** All private Signs erected on Town owned property pursuant to a resolution of Council are subject to an annual fee as prescribed by and noted in the Town of Fort Frances User Fees By-Law as amended from time to time.
3. **Election Signs.** Election Signs that promote directly or indirectly, the candidacy of any person for election, may be posted in accordance with the prescribed time limits pursuant with the *Canada Elections Act*, the *Elections Act*, R.S.O. 1990 cE.6, *Municipal Elections Act*, 1996, S.O. 1996, as the case may be.
4. **Mobile Signs.** Notwithstanding the generality of the other Parts and provisions required by this By-Law Mobile Signs are permitted in the Town of Fort Frances subject to the following additional provisions;

1. **General:**
 - a) Every Mobile Sign shall bear, in a visible location on such Sign, the name, address and telephone number of the owner of the Sign.
 - b) No Mobile Sign shall require either inspection or approval for conformity with the *Building Code Act, 1992*, S.O.1992, c.23 and the regulations made thereto.
 - c) No Mobile Sign shall be equipped with flashing lights, which are designed to illuminate the Copy on the Sign.
 - d) Mobile Signs located on property zoned Residential shall be used only to advertise such personal and/or private events such as birthdays, anniversaries, and the like. Commercial advertising is expressly prohibited on Mobile Signs within a Residential zone.
2. **Areas where Mobile Signs are Permitted:**
 - a) Mobile Signs are permitted in all areas zoned Commercial, Industrial, and Institutional pursuant to the Town of Fort Frances Zoning By-Law and the provisions of this By-Law.
 - b) Mobile Signs are permitted in all areas zoned Residential pursuant to the Town of Fort Frances Zoning By-Law and the provisions of this By-Law
3. **Number of Mobile Signs Permitted;**
 - a) Not more than one (1) Mobile Sign is permitted to be located on any lot or parcel of land within the Town of Fort Frances.
 - b) Notwithstanding the above, one (1) additional Mobile Sign may be located on any lot or parcel of land having a Street Frontage of not less than one hundred (100) metres.
4. **Maximum Height and Area of Mobile Signs;**
 - a) No Mobile Sign shall exceed 4.5 square metres in Copy display area per side.
 - b) No Mobile Sign shall exceed three (3) metres in height measured from the ground to the highest point of the Sign including its structural frameworks.
5. **Setbacks and Location of Mobile Signs;**
 - a) Every Mobile Sign shall be located entirely on private property.
 - b) Every mobile Sign shall be located not less than fifteen (15) metres from any other Mobile Sign located on the same or adjacent property.
 - c) Every Mobile Sign shall be located not less than one and one half (1.5) metres from any driveway, aisle, walkway or parking space.
 - d) Every Mobile Sign shall be located not less than one (1) metre from a Street Line.
 - e) Every Mobile Sign shall be located not less than one and one half (1.5) metres from a common lot boundary with an adjacent lot or property.
 - f) Every Mobile Sign shall be located not less than one and one half (1.5) metres from any permanent Sign.
 - g) No Mobile Sign may be located within a Sight Triangle
6. **Time Limitations for Mobile Signs, located in Industrial, Institutional & Commercial Zones.**
 - a) Sign permits shall be issued in increments of thirty (30), ninety (90) or one hundred eighty (180) day periods and each period shall be an "occasion".
 - b) The Owner of lands zoned Industrial, Institutional or Commercial entitled to a Sign Permit under this section shall be permitted to display a Mobile Sign to a maximum of one hundred and eighty (180) days in any calendar year.
 - c) Each "occasion " requires a separate permit
7. **Time Limitations for Mobile Signs located in Residential Zones;**
 - a) The maximum amount of time that a Mobile Sign may be located on a lot or parcel of land within a Residential zone shall be three (3) days.
5. **Construction Site Signs.** Construction Site Signs may be posted on a property for which construction is taking place and for which a building permit has been issued

and such Signs must be removed within thirty (30) calendar days of the completion of the construction.

6. **Contractor Signs.** Contractor Signs may be posted on a property for which construction, renovation, alteration, repair, demolition or landscaping is taking place and such Signs must be removed within seven (7) calendar days of the completion of said construction, renovation, alteration, repair, demolition or landscaping.
7. **Real Estate Signs.** Real Estate Signs promoting the sale of a property may be posted on any property, which may be legally conveyed, and such Signs must be removed within seven (7) calendar days upon the closing of the sale of the property.
8. **Sidewalk Signs.** Sidewalk signs promoting or advertising daily specials, a sale or a special event at a commercial establishment may not be greater than 1.2 metres in height by .75 metres in width. Sidewalk Signs must be placed sufficiently close to the exterior of the building to which the sale or event is taking place and at no time may they impede the normal movement of pedestrian traffic. At no time will a Sidewalk Sign be allowed to be placed on the travelled portion of a roadway, the area reserved for parking of vehicles or the boulevard. Sidewalk Signs are prohibited in residential areas.
9. **Garage Sale or Yard Sale Signs.** Garage Sale or Yard Sale Signs promoting or advertising the sale of personal merchandise may be posted on Town of Fort Frances utility poles. No Garage Sale Sign may be posted more than two (2) calendar days prior to the event and must be removed within three (3) calendar days after the close of the event. Failure to remove the Signs will result in the Town taking such action as deemed appropriate, which may include the removal of the Sign by the Town of Fort Frances personnel and the cost thereof conveyed to the owner of the property at which the event took place.
10. **Electronic Message Board Signs** with electronically controlled moving display and which may include time, date, temperature or other messages are permitted to be incorporated into a display surface of Facia Signs, Roof Signs, Canopy Signs or Wall Signs.

PART IV EXEMPTIONS:

1. The Municipality, its agents and utilities shall be exempt from the requirements to apply for, or pay fees for, any Sign required for Municipal or government purposes.
2. Notwithstanding anything to the contrary in this By-Law, Sign Permits are not required for the following Signs but all such Signs shall adhere to all other requirements of this By-Law.
 - a. Official Signs, Public Information Signs or Signs pertaining to public safety.
 - b. Election Signs erected in accordance with the *Canada Elections Act*, the *Elections Act*, R.S.O. 1990 c. E.6, *Municipal Elections Act*, 1996, S.O. 1996, c. 25 and the *Education Act*, R.S.O. 1990, c. E.2. and in accordance with PART III of this By-Law.
 - c. Non-illuminated trespassing, safety or other warning Signs not exceeding .25 m².
 - d. Address Signs not exceeding .25 m².
 - e. Emblems or insignia of patriotic, civil, educational or religious organizations.
 - f. Commemorative plaques or corner stones of a non-advertising nature.
 - g. Construction Site Signs in accordance with PART III of this By-Law.
 - h. Contractor Signs undertaking residential, commercial, industrial, institutional construction, renovation, repair, alteration, demolition or landscaping, in accordance with PART III of this By-Law.
 - i. Real Estate Signs in accordance with PART III of this By-Law.
 - j. Window Signs provided that they are displayed from the interior of the building.
 - k. Sidewalk Signs in accordance with PART III of this By-Law.

- l. Signs, advertising or lettering attached to or painted directly on a vehicle, provided that such vehicle is not parked or located for the primary purpose of displaying said sign or advertising.
- m. Cartop Signs such as may be found on such vehicles as taxis or food delivery vehicles.
- n. Garage Sale or Yard Sale Signs in accordance with PART III of this By-Law.
- o. Mobile Signs in areas zoned Residential pursuant to the Town of Fort Frances Zoning By-Law but are subject to specific time periods as stated in PART III of this By-Law.
- p. The Council for the Town of Fort Frances may, upon application for a variance from the provisions of this By-Law, authorize such minor variances where the general intent and the purpose of this By-Law are maintained.
- q. Any Sign that may be required pursuant to the provisions of the *Planning Act*.

PART V PROHIBITED SIGNS:

1. Abandoned Signs.
2. Flashing or animated Signs other than Electronic Message Board Signs as per Part III, Article 10 of this By-Law
3. A Sign located so as to obstruct the view of any pedestrian or motor vehicle driver so as to cause an unsafe condition.
4. A Sign interfering with or obstructing the view of an authorized traffic Sign, traffic signal, or Official Sign or any Sign capable of being confused with such Signs.
5. A Sign located within a Sight Triangle.
6. Any Sign in a state of disrepair or in an unsafe or damaged or hazardous condition.
7. A Mobile Sign anchored with hazardous or unsightly objects. Sandbags are permissible provided they are placed and maintained in a neat and tidy fashion.
8. Any Sign or part of a Sign on or within a Road Allowance.
9. Any Sign so illuminated that it interferes with the effectiveness of, or that obscures a traffic control sign, device or signal.
10. Any Sign that obstructs or interferes with any maintenance operations provided by the Town.
11. Any Sign that obstructs any emergency vehicle access, fire route, exit direction marker, fire escape, fire exit, fire access route, fire hydrant or stand pipe, light, door, window, fire fighter access panel or other fire safety device or prevent or impede access from or to any part of a building.
12. Any Sign which obscures or detracts from, prominent architectural elements of a building which has been designated by by-law to be a heritage structure, or which is located within a heritage conservation district, pursuant to the provisions of the *Ontario Heritage Act*, R.S.O., 1990, c.O.18.
13. Any Mobile or Temporary Sign located on any property or vacant land without the prior written authorization of the property owner.
14. Any Sign that advertises or is deemed by the Town to advertise any unlawful or discriminatory Copy or which contains any profanity or obscenity.
15. Any Sign that is erected or located contrary to the provisions of this By-Law.

PART VI SETBACKS AND LOCATION OF FREESTANDING SIGNS:

1. Notwithstanding Signs that may be allowed by resolution of Council to be on Town owned property, all signs shall be on private property subject to the following setback and location requirements.
 - a. Every Sign shall be so located to be not less than one and one half (1.5) meters from a Street Line measured to the nearest face or structural member.
 - b. Every Sign shall be so located to be not less than one and one half (1.5) meters from a common lot boundary with an adjacent lot or property measured to the nearest face or structural member.
 - c. Every Sign shall be so located to be not less than one and one half (1.5) metres from any driveway, aisle, walkway or parking space measured to the nearest face or structure.
 - d. No Sign may be located within a Sight Triangle.

PART VII REVOCATION OF A SIGN PERMIT:

1. The Town of Fort Frances may revoke a Sign Permit under the following circumstances;
 - a. Where the Sign does not conform to this By-Law, the Ontario Building Code, or any other applicable regulation or legislation.
 - b. Where the Sign Permit was issued as the result of false, mistaken, incorrect, or misleading statements or undertakings on the application.
 - c. Where upon the expiration of six months of issuance of a Sign Permit the applicant has failed to erect the Sign.
 - d. If the Owner requests in writing that the permit be revoked.

PART VIII, ENFORCEMENT:

1. The provisions of this By-Law may be enforced by;
 - a. The Chief Building Official.
 - b. An Officer being a Municipal By-Law Enforcement Officer, a Provincial Offences Officer or a Police Officer whose duties include the enforcement of this By-Law.
2. Every Person who contravenes any provision of this By-Law is guilty of an offence pursuant to the *Provincial Offences Act*, R.S.O 1990, c.P.33 as amended, and upon conviction is liable to a fine not more than five thousand (\$5,000.00) dollars exclusive of costs.
3. For the purposes of this PART, a separate violation shall be deemed to have been committed for each and every day during which the violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if the violation continues.
4. Where a Sign has been displayed or located or erected in contravention of the provisions of this By-Law, that Sign may be removed immediately without notice, if it has been located on, over, partly on or partly over, a highway or any other public property under the jurisdiction of the Town of Fort Frances, and the costs therefore conveyed to the owner of the property at which the contravention took place.
5. Where a Sign is wholly located on a property other than property owned by or under the jurisdiction of the town and that Sign is erected or located in contravention of the provisions of this By-Law, the Chief Building Official or By-Law Enforcement Officer shall cause notice to be personally delivered or mailed to the Owner of the unlawful Sign or the property Owner, requiring removal of the Sign or making of the Sign to comply with the provisions of this By-Law within a period specified in the notice. Failing the Owners compliance with the notice, the Chief Building Official or By-Law Enforcement Officer in addition to other such remedies as provided in law, is authorized to enter onto the property to cause the unlawful Sign to be removed, and the costs therefore conveyed to the Owner of the property at which the contravention took place.
6. An unlawful Sign, with the exception of Garage Sale Signs, which has been removed by the Town shall be kept by the Town for a minimum of thirty (30) calendar days during which the Town shall restore possession of the Sign to the Owner upon receipt by the Town, payment of the costs incurred for removal and storage.
7. Where an unlawful Sign so removed by the Town is not redeemed the Town may dispose of the sign in any manner it sees fit.
8. Where the Chief Building Official, after inspecting a Sign, is satisfied that it is in an unsafe condition that poses an immediate danger the Chief Building Official may take any remedial measures necessary to terminate the danger.

PART IX, LIABILITY

1. The provisions of this By-Law shall not be construed as to relieve or limit the responsibility or liability of any Person or Owner, who erects or locates or causes or

permits or allows to be erected or located, any Sign, for personal injury including injury causing death, or property damage resulting from the Sign or from the acts or omissions of that Person or Owner, or his agents, servants, employees, contractors or sub-contractors, in the erection, location, maintenance, alteration, repair or removal of any Sign so erected or located in accordance with this By-Law for which a permit was issued.

2. Likewise, the provisions of this By-Law shall not be construed as imposing on the Town, its officers, employees, servants and Agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any Sign.

REPEAL, TRANSITION & SEVERABILITY

1. By-Law 5/78 and all amendments thereto are hereby repealed.
2. A decision of a Court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the other provisions of this By-Law.

FORCE & EFFECT

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

READ THREE TIMES and finally passed in open Council this 23rd day of August 2010

Mayor



Clerk



Schedule “A” By-Law 19/10

DIAGRAM 1 – SIGHT TRIANGLE

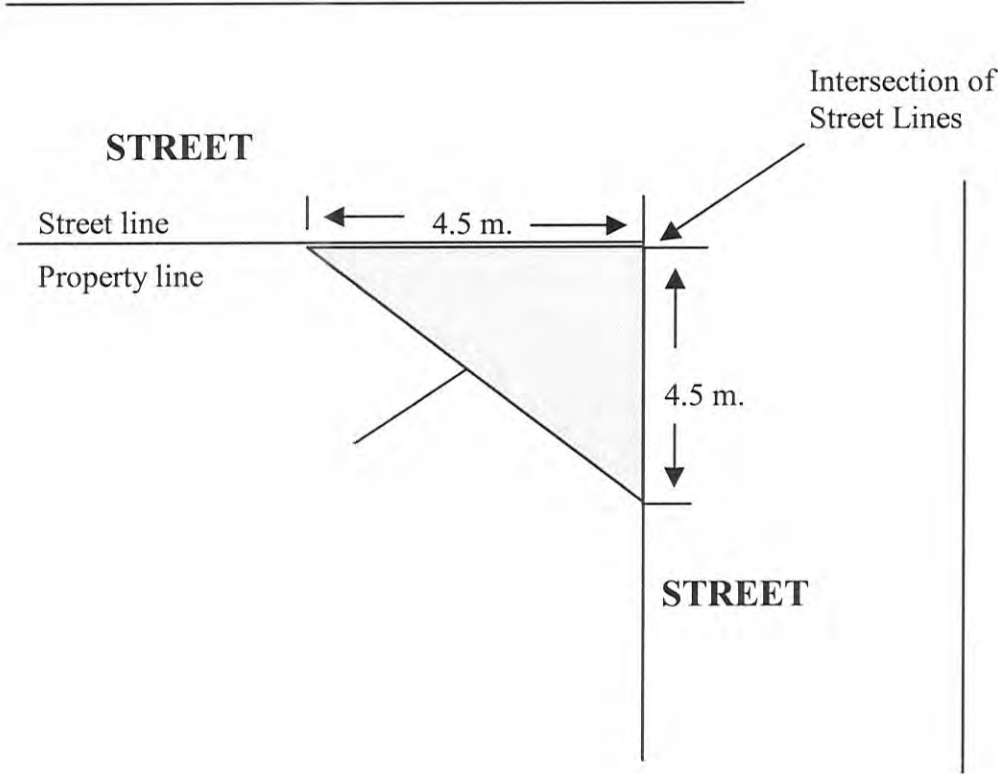
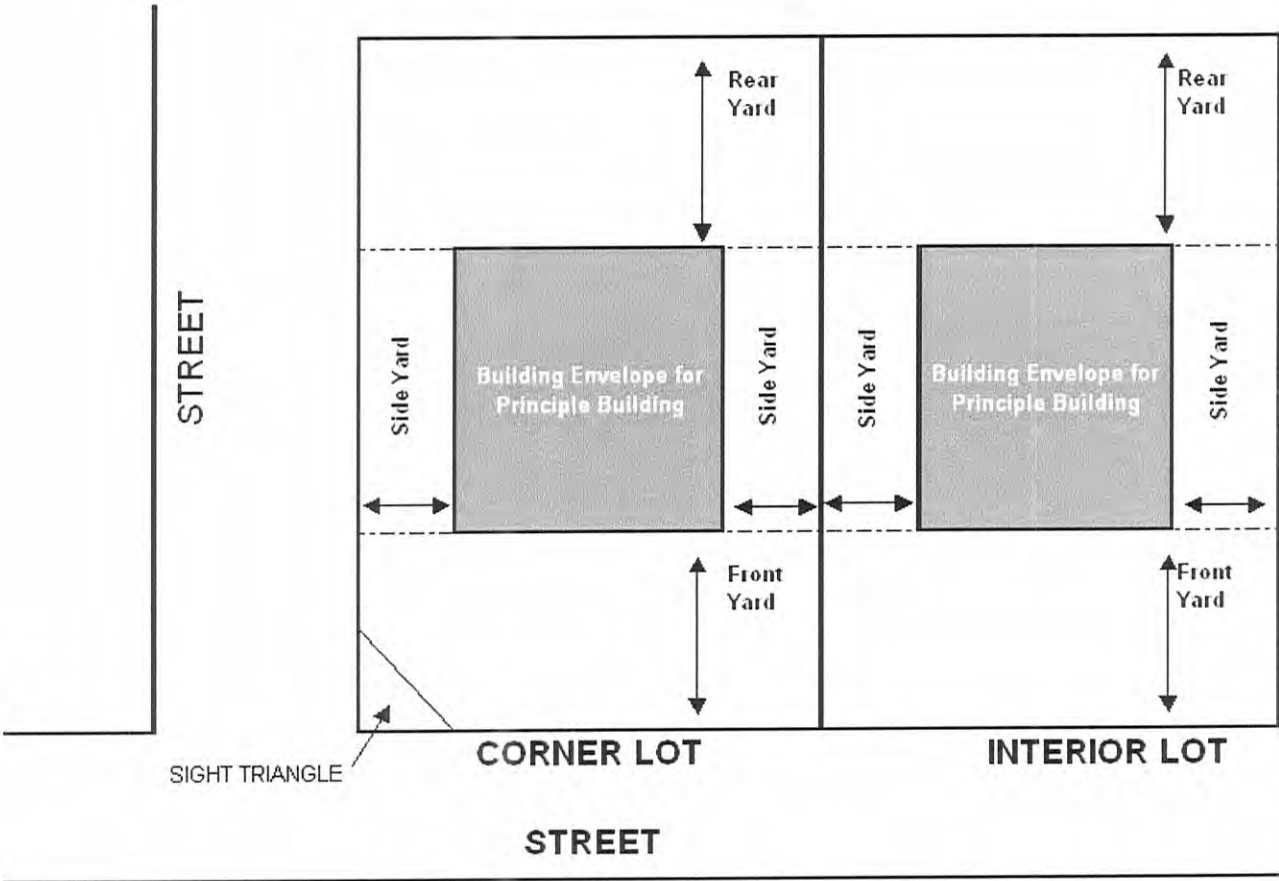


DIAGRAM 2 - YARD



Schedule "B" By-Law 19/10

Town of Fort Frances

Application for a Permit to Erect or Locate a Sign

For use by Principal Authority	
Application number:	Permit number (if different):
Date received:	Roll number:

Application submitted Town of Fort Frances
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m ²)	
B. Applicant Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
C. Owner (if different from applicant)			
	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Builder			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
E. Purpose of application			
<input type="checkbox"/> New permanent Sign <input type="checkbox"/> Mobile Sign <input type="checkbox"/> Alteration/repair <input type="checkbox"/> Demolition <input type="checkbox"/>			
Current use of building		Proposed use of building	
Description of proposed work			
F. Attachments			
i. Attach types and quantities of plans and specifications for the proposed Sign that are prescribed by the by-law (Part II, Art 4), resolution, or regulation of the municipality, upper-tier municipality, board of health or conservation authority to which this application is made.			
G. Declaration of applicant			
I _____ certify that: (print name)			
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
_____ Date		_____ Signature of applicant	

Town of Fort Frances

Schedule "C" By-Law 19/10

Principal Authority

BCIN 21293

Civic Centre Office Address: 320 Portage Avenue, Fort Frances, Ontario, P9A 3P9
Mailing Address: 320 Portage Avenue, Fort Frances, Ontario, P9A 3P9
Telephone: 807-274-5323 Fax 807-274-8479

Sign Permit

Pursuant to the Building Code Act, S.O. 1992, c.23
&
By-Law 19/10

Permit No.	Assessment Roll No.

OWNER: _____

ISSUED TO PERMIT HOLDER (check one):
☐ Owner ☐ Contractor

CONTRACTOR: _____

PROJECT LOCATION: _____

LEGAL DESCRIPTION: _____

CONSTRUCTION TYPE: _____

WORK DESCRIPTION: _____

DATE ISSUED: _____

ISSUED BY: _____
Rick Hallam, Chief Building Official BCIN 22496

CONSTRUCTION STAGES		
PERMIT HOLDER SHALL PROVIDE CHIEF BUILDING OFFICIAL WITH AT LEAST 1 DAY, BUT NOT MORE THAN 2 DAYS NOTICE OF READINESS FOR INSPECTION OF ALL REQUIRED CONSTRUCTION STAGES LISTED BELOW.(see note at bottom of page)	INSP'N DATE	CBO/Building Inspector's Signatures

THIS PERMIT MUST BE POSTED ON SITE IN A CONSPICUOUS PLACE AT ALL TIMES DURING THE CONSTRUCTION OR LOCATION AND HENCEFORTH KEPT ON FILE AT THE PREMISES FOR THE LIFETIME OF THE SIGN FOR WHICH THIS PERMIT HAS BEEN ISSUED.

NOTE: As per Sentence 10.2-(1) of the Building Code Act, Sentence 1.3.5.3.(1), Div.C, Part 1, of the Building Code, and Town of Fort Frances By-Law 19/10 , the Permit Holder (as identified above) shall provide notice of readiness for inspections to the office of the Chief Building Official not less than 1 day, nor more than 2 days before completion of each stage of construction requiring notice as per Articles 1.3.5.1. & 1.3.5.2., Div. C, Part 1, of the Building Code. Failure to obtain inspections as required above may result in an order to uncover and/or require submission of a Professional Engineer's report to the Chief Building Official.