

Authority: Item 16, Planning and Economic
Development Committee
Report: 06-014 (PED05172(b))
CM: August 9, 2006

Bill No. 243

CITY OF HAMILTON

BY-LAW NO. 06-243

A By-Law Respecting Signs And Other Advertising Devices Within The City Of Hamilton

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

AND WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

AND WHEREAS subsection 9(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that section 8 of that Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1), paragraph 1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the City of Hamilton to pass by-laws respecting highways over which it has jurisdiction;

AND WHEREAS subsection 11(1), paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the City of Hamilton to pass by-laws respecting signs;

AND WHEREAS subsection 9(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a by-law under section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit may require a person to do things, provide for a system of licences permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS subsection 63(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the City of Hamilton, if it passes a by-law for prohibiting or regulating the placing of an object on a highway, to provide for the removal of any object placed on a highway in contravention of that by-law;

AND WHEREAS subsection 99.3 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes the City of Hamilton to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected, located, or displayed in contravention of a by-law respecting advertising devices, including signs;

AND WHEREAS subsections 427(1) and 427(3) of *Municipal Act, 2001*, S.O. 2001, c. 25, authorize the City of Hamilton, if it has authority by by-law or otherwise, to direct or require that a matter or thing be done, to direct in the same by-law that, in default of it being done by the person directed or required to do it, such matter or thing be done at the person's expense and to recover that expense by action or by adding it to the tax roll and collecting it in the same manner as taxes;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, establishes that any person who contravenes any by-law of the City of Hamilton is guilty of an offence;

AND WHEREAS public notice, including notice of a public participation meeting held by the Planning and Economic Development Committee on the 22nd day of June, 2006, of the intention to pass this By-law was given on the 2nd day of June, 2006 and the 9th day of June, 2006 pursuant to subsection 99.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, by publishing the public notice in local newspapers;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

PART 1.0

TITLE, SCOPE AND INTENT OF SIGN BY-LAW

1.1 TITLE

This By-law shall be known and cited as the "Hamilton Sign By-law".

1.2 SCOPE

1.2.1 This By-law shall regulate the location, size, number, construction, alteration, repair and maintenance of all signs and advertising devices within the geographic boundaries of the City of Hamilton.

1.2.2 All schedules attached to this By-law form part of this By-law.

1.2.3 All signs and advertising devices located on public and private Property within the geographic boundaries of the City of Hamilton are subject to the provisions of this By-law.

- 1.2.4 This By-law does not apply to signs erected, located, or displayed, or caused to be erected, located, or displayed by federal, provincial or municipal governments, the Conservation Authorities or a local board as defined in the *Municipal Act, 2001*, including, but not limited to, signs designating a public library, a public community centre, a public arena, signs required by the City of Hamilton to inform the public of planning applications submitted under the *Planning Act* and TODs signs.
- 1.2.5 Notwithstanding subsection 1.2.4, the applicable regulations under this By-law for Ground Signs or Wall Signs shall apply to signs that function as Ground Signs or Wall Signs.

1.3 INTENT

The purpose of this By-law is to regulate signs in the City of Hamilton with the intent of authorizing signs that:

- (a) are appropriate in size, number, and location to the type of activity or use to which they pertain;
- (b) provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion;
- (c) are compatible with their surroundings;
- (d) protect and enhance the aesthetic qualities and visual character of the City of Hamilton;
- (e) are consistent with the City of Hamilton's planning, urban design and heritage objectives;
- (f) do not create a distraction or safety hazard for pedestrians or motorists;
- (g) minimize adverse impacts on nearby public and private property;
- (h) regulate signs while impairing the public's right to expression as little as possible and in proportion to the purpose of the By-law.

PART 2.0 DEFINITIONS

In this By-law:

“Advertising Device” means any device or object erected, located, or displayed so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants, and lights.

“Animated Sign” means a video screen or any flashing, kinetic, or illusionary motion of all or any part of a Sign and includes a rotating Sign but does not include an Electronic Message Display.

“Authorized Sign” means any Sign placed or erected on a highway under the authority of By-law 01-215, the City of Hamilton Traffic By-law, for the purpose of regulating, warning or guiding traffic.

“Awning Sign” means a retractable structure, covered with fabric or like material that is attached and projects from the exterior wall of a building over a window or door and provides shade or other protection from the elements and that is or functions as a Sign.

“Banner” means a Sign or an Advertising Device made from cloth, plastic or a similar lightweight non-rigid material.

“Bed and Breakfast Sign” means a Sign identifying a bed and breakfast establishment.

“Billboard” means an outdoor Sign erected, located or displayed by a Person engaged in the sale or rental of the space on the Sign, upon which space is displayed Copy that advertises goods, products, or services not sold or offered on the Property where the Sign is erected, located, or displayed, and the Sign is either single faced or double faced.

“Business Improvement Area” means an area designated by the City of Hamilton as an improvement area under the *Municipal Act, 2001*.

“Campaign Office” means the actual building or portion of a building in which a candidate maintains his office for the purpose of running an election campaign.

“Canopy Sign” means a non-retractable awning or roof-like structure that is not supported from the ground but instead is attached to and supported from the exterior wall of a building and that is or functions as a Sign.

“Charity” means a registered charity as defined in the *Income Tax Act (Canada)* or successor legislation, which has a registration number issued by the Canada Revenue Agency, or successor agency.

“Chief Building Official” means the person and/or his or her designate so appointed by Council pursuant to the *Building Code Act, 1992*.

“Community Organization” means a non-profit group of persons organized for the advancement of a civic, cultural or recreational nature.

“Construction Information Sign” means a Sign which identifies or provides information relating to or advertising the development or the construction of a

building on the Property on which the Sign is erected, located, or displayed but does not include a New Home Development Ground Sign.

“Copy” means the graphic content of a sign surface in either permanent or removable letter, pictorial, symbolic, or numeric form.

“Council” means the Council of the City of Hamilton.

“Designated Utility Pole” means a utility pole, including a light standard, designated by the City of Hamilton and fitted with a Poster Sleeve.

“Designated Official” means an employee of the City of Hamilton who has been assigned the responsibility of administering and enforcing this By-law, or his designate.

“Directional Sign” means any Sign on a Property which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit Sign.

“Driveway Line” means the line forming a boundary between that portion of a Property not normally used by vehicular traffic and the lateral limit of a driveway.

“Election Sign” means a Sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election.

“Electronic Message Display” means a permanent Sign which is electronically controlled and which displays information in a prearranged sequence, and on which the intensity of illumination is maintained at a constant level.

“Facade” means the entire building wall including a parapet.

“Frontage” means the length of the Property Line of any one Property parallel to and along each legally accessible Street.

“Grade” means the average surface elevation of the finished ground below a Sign or which is in contact with a Ground Sign.

“Ground Sign” means a Sign which is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure.

“Home Occupation Sign” means a Sign identifying a home occupation as defined in the zoning by-laws of the City of Hamilton.

“Height” means the vertical distance measured from the average elevation of the Grade immediately below a Sign to the highest point of the Sign and includes any support structure or ornamental feature.

“Incidental Sign” means a Sign containing information that has a purpose incidentally related to the use or occupancy of a Property and which Sign is intended to assist the public with the location of business facilities or provides courtesy or directional information but is not an advertisement.

“Inflatable Sign” means a Sign or an Advertising Device filled with air or gas and tethered to the ground, a vehicle or any structure and shall include balloons and any other inflatable Advertising Device.

“Information Sign” means a Sign for public safety or convenience regulating traffic, parking or other functional subdivision of the Property or a Sign denoting sections of a building and bearing no commercial advertising.

“Marquee Sign” means a permanent canopy or a roof-like structure, often bearing a signboard, projecting or extending from the façade, over an entrance and that is or functions as a Sign.

“Mobile Sign” means a Sign that is temporary, designed for the rearrangement of Copy on the sign face, is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels.

“Mural” means any type of display or artistic endeavour applied as paint, film or any other covering to any external wall or other integral part of a building or structure which does not include any words or advertisement or any other promotional message or content, including logos or trademarks.

“New Home Development Ground Sign” means a Sign that advertises the sale of Properties and homes of a subdivision but not the developer’s or landowner’s business in general.

“New Home Development Portable Sign” means a non-illuminated Sign which is not permanently installed or affixed to the ground and where the purpose of the Sign is to direct attention to the sale of new home developments.

“Official Sign” means any Sign required by a federal or provincial statute or regulation or by a municipal by-law and shall include a traffic sign, street name sign and a permanent sign erected, located, or displayed on a Street to inform the public of the location of Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities.

“Open House Directional Sign” means a temporary portable sign intended to direct traffic to a residence for sale or lease, but does not include a New Home Development Portable Sign.

“Owner” means the registered owner of the Property, or the Person or the Person’s authorized agent in lawful control of a Property.

“Parapet Sign” means a Sign attached to the parapet of a building.

“Person” means any individual, association, proprietorship, partnership, syndicate, company, corporation, firm, business, authorized agent, trustee and the heirs, executors or other legal representatives, or any combination of the foregoing.

“Portable Sign” means a free standing moveable sign not fastened by any means to the ground or any structure.

“Poster” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice or placard.

“Poster Sleeve” means a collar or other protective covering or identifier fitted by the City of Hamilton to a Designated Utility Pole.

“Projecting Sign” means a Sign attached to a building and projecting out horizontally from a building at a right angle to the building.

“Property” means a parcel of land which can be legally conveyed pursuant to the *Planning Act* and includes any buildings and structures thereon.

“Property Line” means the legal boundaries of a Property and includes a Street Line.

“Readograph” means that part of a permanent Sign composed of changeable letters intended to convey a temporary message and which is designed or constructed so that the message on the Sign may be easily changed and rearranged mechanically or as part of an Electronic Message Display.

“Real Estate Sign” means a temporary non-illuminated Sign displayed on Property and advertising the sale, rent, or lease of the Property.

“Roof Sign” means a Sign supported entirely or partly by the roof of a building or structure which projects above the roof and parapet or is erected, located or displayed on a sloped roof.

“Sidewalk Sign” means a freestanding Sign which is typically shaped like an “A” or a “T” and has one or two sign faces.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an Advertising Device.

“Sign Area” means the entire area of the surface of a Sign including the border or frame, together with any material forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or building against which it is erected, located, or displayed. Where there is no border or the Sign is composed of individually installed letters, numerals or shapes, the Sign Area shall include all of the area of the smallest polygon containing a maximum of eight right angle sides that enclose the surface of the Sign or the grouping of letters, numerals or shapes.

“Sign Owner” means any Person described on the Sign, or whose name and address or telephone number appears on the Sign, or who installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign, and for the purposes of this definition, there may be more than one Sign Owner.

“Street” means any public highway but does not include a provincial highway.

“Street Furniture” means all Street related amenities and includes benches, kiosks, telephone booths, newspaper boxes, mail boxes, clocks, street lighting, transit shelters, litter containers, clothing recycling collection boxes, bicycle racks, tree guards, planters and other similar privately or publicly owned features.

“Street Line” means the dividing line between a Property and a Street.

“Temporary Personal Sign” means a non-illuminated Sign displaying a personal announcement or congratulatory message.

“Use” when used in conjunction with the words zone, residential, employment, industrial, commercial, institutional, agricultural, open space, or similar words, shall mean such uses as may be permitted under the zoning by-laws of the City of Hamilton.

“Vacant” means a Property separately assessed that does not have any building or any occupied building thereon.

“Validation Marker” means an attachment issued by the City of Hamilton signifying the issuance of a valid Sign permit.

“Visibility Triangle” means the triangular space formed within a Property by the intersection of the Street Line and a Driveway Line or the projections thereof and a straight line connecting them 6.0 metres from their point of intersection.

“Wall Sign” means a Sign erected, located, or displayed on or against a wall of a building, or supported by or through a wall of a building and having the sign face thereof on a plane approximately parallel to the plane of such wall.

“Width” means the measurement taken at right angles to the Height.

“Window Sign” means a Sign painted, etched, or attached to the interior or exterior surface of a window which is intended to be seen from off the Property.

“Zone” means any land use zone established in the zoning by-laws of the City of Hamilton and passed under the *Planning Act* or any predecessor or successor Act.

PART 3.0 INTERPRETATION AND ADMINISTRATION

3.1 Interpretation

- 3.1.1 Words importing the singular number or the masculine gender only include more Persons, parties or things of the same kind than one, and females as well as males and the converse.
- 3.1.2 A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 3.1.3 The word “shall” is mandatory and the word “may” is permissive.

3.2 Administration

- 3.2.1 The Designated Official shall be responsible for the administration and enforcement of this By-law on all public and private Property within the geographic boundaries of the City of Hamilton.
- 3.2.2 The Designated Official may enter upon any Property at any reasonable time to inspect a Sign for the purpose of determining or affecting its compliance with this By-law.

3.3 Permits

- 3.3.1 Every Person erecting, locating or displaying a Sign within the City of Hamilton, with the exception of a Sign listed in Schedule "B", shall apply for and obtain a permit.
- 3.3.2 Every Person applying for a Sign permit shall provide to the Designated Official:
- (a) a completed application form as prescribed by the City of Hamilton;
 - (b) all plans, drawings and other materials as required by the City of Hamilton;
 - (c) all applicable permit fees as set out in Schedule "A";
 - (d) the written authorisation of the Owner where the Person applying for the Sign permit is not also the Owner of the Property where the Sign will be erected, located, or displayed; and,
 - (e) where applicable, proof of approval for the proposed Sign from all governmental authorities having jurisdiction.
- 3.3.3 An application for a Sign permit shall be accompanied by plans and drawings that contain the following information:
- (a) a key map showing the location of the Property on which the proposed Sign is to be located and the nearest major Street intersection;
 - (b) a site plan showing the Property where the Sign is to be erected, located, or displayed, drawn to scale showing the dimensions of all Property Lines, existing or proposed buildings, location of proposed Signs, and location of all existing Signs on the same Property;
 - (c) drawings and specifications of the Sign drawn to scale and showing sections and elevations of the Sign to be erected, located, or displayed, construction details, supporting framework, foundations, materials, illumination details, Height of Sign, Sign Area, length and Width of Sign; and,
 - (d) sufficient information for the Chief Building Official to determine that the Sign has been designed and will be constructed in compliance with the applicable structural and fire prevention provisions of the Ontario Building Code.
- 3.3.4 The Chief Building Official may require the certification by a Registered Professional Engineer of all plans and specifications covering the erection of the Sign and supporting framework with respect to the structural adequacy of the Sign.
- 3.3.5 The application of the Ontario Building Code to any sign permit application will be considered by the City and where the City determines that the Ontario Building Code applies to a Sign, any sign permit issued pursuant to this By-law will be deemed to satisfy the requirements for a building permit under the Ontario Building Code Act.
- 3.3.8 If required, a Person shall obtain approval for the proposed Sign from other governmental authorities having jurisdiction.

3.4 Sign Permit Refusal, Expiry, or Renewal

3.4.1 A permit may be refused if the proposed Sign does not comply with this By-law, any other By-law or federal or provincial statute or regulation.

3.4.2 A Billboard, Awning Sign, Canopy Sign, Ground Sign, Marquee Sign, New Home Development Ground Sign, Parapet Sign, Projecting Sign, or Wall Sign permit issued by the City of Hamilton shall expire six months from the date of issuance unless the Sign is erected, located, or displayed for its intended purpose and a permit shall expire upon the removal of the Sign.

3.4.3 Where a Billboard, Awning Sign, Canopy Sign, Ground Sign, Marquee Sign, New Home Development Ground Sign, Parapet Sign, Projecting Sign or Wall Sign permit has been issued and before it has expired, an application may be made to extend the permit for a further six months, provided the Sign continues to conform to all By-law requirements and federal or provincial statutory or regulatory requirements existing at the time of renewal.

3.4.4 The City of Hamilton may revoke a permit under the following circumstances:

- (a) the City of Hamilton issued the permit in error;
- (b) the Sign does not comply with this By-law or any other by-law, the Ontario Building Code, or any federal or provincial statute or regulation;
- (c) the City of Hamilton issued the permit as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application;
- (d) the erection, location, or display of the Sign has not commenced within six months after the issuance of the permit;
- (e) the erection, location or display of the Sign, in the opinion of the Designated Official, has been substantially suspended or discontinued for a period of more than one calendar year;
- (f) the permit holder requests in writing that the permit be revoked; or
- (g) the business, product, activity or service to which the Sign relates ceases to operate or is no longer available.

3.5 Existing Signs

3.5.1 Any Sign that is lawfully erected, located, or displayed on the day this By-law comes into force may continue to be erected, located, or displayed provided it is not substantially altered in a manner that would bring it into non-compliance or increase its non-compliance with this By-law. Anything done to preserve the condition of a

Sign or to prevent the deterioration of a Sign, including the restoration of a Sign by removing or replacing worn out, missing, damaged or broken parts, or a change in the message or Copy displayed by the Sign does not in itself constitute a substantial alteration.

3.6 Refunds

3.6.1 Subject to subsections 3.6.2 and 3.6.3, the Designated Official shall determine the amount of the fees, if any, that may be refunded in accordance with Schedule "A" where:

- (a) the Sign permit applicant requests in writing that the Sign Permit application be cancelled;
- (b) the Designated Official refuses to issue the Sign permit because the Sign does not comply with this By-law or any other by-law, the Ontario Building Code, or any federal or provincial statute or regulation; or
- (c) the City of Hamilton issued the permit in error.

3.6.2 There shall be no refund where:

- (a) the City of Hamilton issued the permit as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application; or
- (b) the Sign, for which the permit application is made, has been erected, located or displayed prior to the issuance of a permit.

3.6.3 Refunds shall only be provided for Ground Sign, New Home Development Ground Sign, Awning Sign, Canopy Sign, Marquee Sign, Parapet Sign, Projecting Sign and Wall Sign permit applications.

PART 4.0 GENERAL PROHIBITIONS AND REGULATIONS

4.1 No Person shall erect, locate, or display or cause to be erected, located, or display a Sign:

- (a) for which a permit has not been obtained, if a permit is required under this By-law;
- (b) which is not in compliance with this By-law or the conditions of any variance granted under this By-law;
- (c) listed in Schedule "B" which is not in compliance with any regulation listed in the Schedule for that sign type;

- (d) listed in Schedule "C" which is not in compliance with any regulation listed in the Schedule for that sign type;
- (e) which is not specifically permitted under this By-law;
- (f) which is on City of Hamilton Property except as permitted by this By-law;
- (g) which obstructs the view of any pedestrian or driver of a motor vehicle, obstructs the visibility of any traffic sign or device, or interferes with vehicular traffic in a manner that could endanger any person;
- (h) which illuminates any adjacent Property or the path of vehicular traffic;
- (i) which is not maintained in a proper state of repair, becomes unsightly, becomes structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;
- (j) which the Designated Official has directed be removed; or,
- (k) which bears or displays the City of Hamilton logo, crest or seal in whole or in part, without the express written permission of the City of Hamilton.

4.2 A Person shall be deemed to be erecting, locating, or displaying a Sign if that Person is the Sign Owner and directs, permits or fails to stop the erection, location, or display of the Sign.

PART 5.0 REGULATIONS FOR PARTICULAR TYPES OF SIGNS

5.1 Prohibited Signs

5.1.1 The following Signs are prohibited under this By-law:

- (a) any flashing or Animated Sign, with the exception of an Electronic Message Display as permitted under this By-law;
- (b) any Projecting Sign except as permitted under this By-law;
- (c) any Roof Sign;
- (d) any Sign erected, located, or displayed within a Visibility Triangle;
- (e) any Sign displayed on a vehicle, trailer or truck which is parked or located on Property in a manner that is unrelated to its normal use as a vehicle and is more consistent with the use of the vehicle as a Sign; or,
- (f) any Sign which obstructs or is erected, located, or displayed in a parking space required by the zoning by-laws of the City of Hamilton.

5.1.2 Where a Sign is not expressly permitted by this By-law, it shall be deemed to be prohibited.

5.1.3 Where a type of Sign is not specifically permitted within a particular Zone or on a Property with a particular zoned use under Schedule "C", it shall be deemed to be prohibited within that Zone or on that Property.

5.1.4 Notwithstanding subsections 5.1.2 and 5.1.3 and subject to the approval of Council, Signs on Street Furniture erected, located or displayed pursuant to an agreement with the City of Hamilton are permitted.

5.2 Ground Signs

5.2.1 No Person shall erect, locate, or display a Ground Sign except in accordance with the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.2.2 No Ground Sign shall be erected, located or displayed except a Ground Sign embedded in a foundation in the ground to a depth of at least 1.2 metres.

5.2.3 No Ground Sign shall be erected, located or displayed in a commercial or industrial Zone without displaying on the top or bottom the municipal address number of the Property on which the Ground Sign is erected, located, or displayed in numerals that are a minimum height of 15.0 centimetres.

5.2.4 No Ground Sign shall be erected, located, or displayed within 15.0 metres of a traffic signal or traffic control device.

5.2.5 No Ground Sign shall be erected, located, or displayed within 1.5 metres or a distance equal to 75% of the Height of the Ground Sign, whichever is greater, from any Property Line.

5.2.6 The maximum total Sign Area for a Ground Sign that is double faced or multi-faced Sign shall be double the maximum Sign Area permitted for one sign face.

5.2.7 The sign face of a Ground Sign may allocate a maximum 50% of the sign face to a Readograph or Electronic Message Display.

5.2.8 No message displayed on an Electronic Message Display on a Ground Sign shall be displayed for less than three (3) seconds, during which there shall be no movement or change in colour or intensity of illumination.

5.2.9 A Ground Sign shall be erected, located, or displayed along the same Street Frontage used to calculate the maximum Sign Area of the Ground Sign.

- 5.2.10 Where more than one Ground Sign is erected, located, or displayed parallel to a Street Frontage, no Ground Sign shall be erected, located, or displayed within 200.0 metres of another Ground Sign on the same Property.
- 5.2.11 A Ground Sign shall be permitted in all zones except where the use of the property is for one or more of the following uses:
- (a) A Single Detached Dwelling;
 - (b) A Semi Detached Dwelling;
 - (c) A Duplex;
 - (d) A Triplex;
 - (e) A Fourplex or Quadruplex;
 - (f) A Street townhouse;
 - (g) A Mobile Home;
 - (h) A Residential Care Facility for 6 or less residents;
 - (i) A Lodging House for 6 or less lodgers;
 - (j) A Retirement Home for 6 or less residents; or
 - (k) An Emergency Shelter for 6 or less residents.
- 5.2.12 Where a Property on which a Billboard is erected, located, or displayed ceases to be Vacant or undeveloped and the Billboard has not been removed, no Ground Sign shall be erected, located, or displayed on the Property.

5.3 Wall Signs and Parapet Signs

- 5.3.1 No Person shall erect, locate, or display a Wall Sign or a Parapet Sign except in accordance the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.3.2 No Wall Sign or Parapet Sign shall extend beyond the extremity of the wall Facade on which it is erected, located, or displayed.
- 5.3.3 No Wall Sign or Parapet Sign shall project more than 60 centimetres from the wall to which it is attached.
- 5.3.4 No Wall Sign or Parapet Sign erected, located, or displayed on a building above a location where the public passes shall be erected, located, or displayed less than 2.5 metres above the Grade below the Wall Sign or Parapet Sign.
- 5.3.5 No Wall Sign or Parapet Sign shall be erected, located, or displayed unless it is parallel to the wall to which it is attached.

- 5.3.6 No Wall Sign shall be erected, located or displayed unless it is on the same building Facade used to calculate the maximum Sign Area of the Wall Sign.
- 5.3.7 The sign face of a Wall Sign may be a Read-o-graph or Electronic Message Display.
- 5.3.8 No message displayed on an Electronic Message Display on a Wall Sign shall be displayed for less than three (3) seconds, during which there shall be no movement or change in colour or intensity of illumination.
- 5.3.9 No Parapet Sign shall be erected, located or displayed unless it is on the same building Façade used to calculate the maximum Sign Area of the Parapet Sign.
- 5.3.10 In a multi-occupant building the area of a Wall Sign for tenants shall be in direct proportion to the linear distance each occupant controls on the applicable Facade.
- 5.3.11 A Parapet Sign shall consist only of a business's logo or name.
- 5.3.12 A Wall Sign or a Parapet Sign shall be permitted in all zones except where the use of the property is for one or more of the following uses:
- (a) A Single Detached Dwelling;
 - (b) A Semi Detached Dwelling;
 - (c) A Duplex;
 - (d) A Triplex;
 - (e) A Fourplex or Quadruplex;
 - (f) A Street townhouse;
 - (g) A Mobile Home
 - (h) A Residential Care Facility for 6 or less residents;
 - (i) A Lodging House for 6 or less lodgers;
 - (j) A Retirement Home for 6 or less residents; or
 - (k) An Emergency Shelter for 6 or less residents.

5.4 Projecting Signs

- 5.4.1 No Person shall erect, locate, or display a Projecting Sign except in accordance with the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.4.2 The Owner of Property where a Projecting Sign is erected, located, or displayed that overhangs a public right of way under the jurisdiction of the City of Hamilton shall enter into an encroachment agreement with the City of Hamilton and shall satisfy the City of Hamilton's requirements for liability insurance.

- 5.4.3 No portion of a Projecting Sign shall be less than 2.5 metres above the Grade below the Projecting Sign.
- 5.4.4 The sign face of a Projecting Sign may be a Read-o-graph or Electronic Message Display.
- 5.4.5 No message displayed on an Electronic Message Display on a Projecting Sign shall be displayed for less than three (3) seconds, during which there shall be no movement or change in colour or intensity of illumination.

5.5 Awning Signs, Canopy Signs and Marquee Signs

- 5.5.1 No Person shall erect, locate, or display an Awning Sign, Canopy Sign or Marquee Sign except in accordance the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.5.2 No Awning Sign, Canopy Sign or Marquee Sign erected, located, or displayed on a building above a location where the public passes shall be erected, located, or displayed less than 2.5 metres above the Grade below the Awning Sign, Canopy Sign or Marquee Sign.
- 5.5.3 An Awning Sign, Canopy Sign or Marquee Sign shall be permitted in all zones except where the use of the property is for one or more of the following uses:
- (a) A Single Detached Dwelling;
 - (b) A Semi Detached Dwelling;
 - (c) A Duplex;
 - (d) A Triplex;
 - (e) A Fourplex or Quadruplex;
 - (f) A Street townhouse;
 - (g) A Mobile Home
 - (h) A Residential Care Facility for 6 or less residents;
 - (i) A Lodging House for 6 or less lodgers;
 - (j) A Retirement Home for 6 or less residents; or
 - (k) An Emergency Shelter for 6 or less residents.

5.6 Mobile Signs

- 5.6.1 No Person shall erect, locate, or display a Mobile Sign except in accordance with the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

- 5.6.2 A permit for a Mobile Sign shall be valid for a period of fourteen (14) consecutive days.
- 5.6.3 No more than six (6) Mobile Sign permits shall be issued for a single business at a single Property in a calendar year for a total calendar year allotment of twelve (12) weeks.
- 5.6.4 The maximum display period for a Mobile Sign shall be twenty-eight (28) consecutive days, being two (2) permit periods.
- 5.6.5 Where one (1) permit for a Mobile Sign has been issued for a Property for a display period of fourteen (14) consecutive days, being one (1) permit period, no subsequent permit for the Property shall be issued until at least fourteen (14) days have elapsed from the date of expiry of the previous permit.
- 5.6.6 Where two (2) permits for a Mobile Sign has been issued for a Property for a display period of twenty-eight (28) consecutive days, being two (2) permit periods, no subsequent permit for the Property shall be issued until at least fourteen (14) days have elapsed from the date of expiry of the previous permit.
- 5.6.7 Where there are two (2) Mobile Signs on a Property, each shall comply with subsection 5.6.5 or 5.6.6.
- 5.6.8 A Mobile Sign shall have a maximum of two sign faces and a separate permit shall be required for each sign face if they relate to different businesses. The applicable permit fee under Schedule "A" shall be paid for each permit.
- 5.6.9 An application for a Mobile Sign permit shall be submitted no earlier than twenty-eight (28) days prior to the intended date the permit comes into effect.
- 5.6.10 Applications for Mobile Sign permits on a Property shall be processed by the City of Hamilton in the order of receipt, and in the event that applications are submitted simultaneously and insufficient opportunities exist for the display of a Mobile Sign, priority for a permit shall be established by means of a draw conducted by the Designated Official.
- 5.6.11 A Mobile Sign shall be erected, located, or displayed entirely on private Property and only in the front or exterior side yard of a Property.
- 5.6.12 No Mobile Sign shall be erected, located, or displayed on a Vacant Property.
- 5.6.13 No Mobile Sign shall be erected, located, or displayed except on the Property where the business or activity being advertised on the Mobile Sign is located.

- 5.6.14 No Mobile Sign shall exceed a maximum area of 4.5 m² per sign face for a commercial or industrial use and 1.8 m² for an institutional use.
- 5.6.15 No Mobile Sign shall exceed 2.7 metres in Height.
- 5.6.16 No Mobile Sign shall be greater than 2.5 metres in any linear dimension.
- 5.6.17 No more than two (2) Mobile Signs shall be erected, located, or displayed on a Property at any one time.
- 5.6.18 Where more than one (1) Mobile Sign is erected, located or displayed on the same Property, they shall be separated by a distance of at least 50.0 metres.
- 5.6.19 No Mobile Sign shall be erected, located, or displayed within:
- (a) 10.0 metres of a Ground Sign on the same Property;
 - (b) 15.0 metres of an intersection or traffic signal or traffic control device;
 - (c) 3.0 metres of a Driveway Line;
 - (d) 3.0 metres of side Property Line;
 - (e) 1.5 metres of a Street Line;
 - (f) any parking space required under the zoning by-laws of the City of Hamilton; or,
 - (g) 15.0 metres of a property used solely for residential purposes.
- 5.6.20 A Mobile Sign shall display the name and telephone number of the Sign Owner in a clearly visible location.
- 5.6.21 A Mobile Sign shall display a Validation Marker in a clearly visible location.
- 5.6.22 No Mobile Sign shall be illuminated or animated, nor shall any Mobile Sign create noise or motion.
- 5.6.23 The Copy and message board of the Mobile Sign shall be only black on white or white on black, provided that:
- (a) one line of letters or numbers no more than 30 centimetres in height may be a single colour other than black or white; and,
 - (b) graphics or business logos totalling a maximum of 10% of the Sign Area may be any colour or combination of colours.
- 5.6.24 Subsection 5.6.23 shall not come into effect until one year after the passage and enactment of this By-law.
- 5.6.25 A Mobile Sign shall be permitted in all zones except where the use of the property is for one or more of the following uses:
- (a) A Single Detached Dwelling;

- (b) A Semi Detached Dwelling;
- (c) A Duplex;
- (d) A Triplex;
- (e) A Fourplex or Quadruplex;
- (f) A Street townhouse;
- (g) A Mobile Home
- (h) A Residential Care Facility for 6 or less residents;
- (i) A Lodging House for 6 or less lodgers;
- (j) A Retirement Home for 6 or less residents; or
- (k) An Emergency Shelter for 6 or less residents.

5.6.26 Notwithstanding subsection 5.6.25, no Mobile Sign shall be erected, located, or displayed on a Property within the Downtown Community Improvement Project Area, a Business Improvement Area, or within the Ancaster Village Core Area.

5.6.27 Notwithstanding subsections 5.6.17 and 5.6.18, and subject to the other requirements for Mobile Signs in this By-law, one Mobile Sign, advertising a grand opening or closing promotional event, may be erected, located or displayed on a Property for seven (7) consecutive days, provided that:

- (a) the Mobile Sign shall advertise a grand opening or closing promotional event for any business only once;
- (b) where the Mobile Sign advertises a grand opening or closing promotional event for a business, a Banner shall not also advertise that grand opening or closing promotional event; and,
- (c) there is no Mobile Sign permit otherwise available under this section for the Property.

5.7 Banners

5.7.1 No Person shall erect, locate, or display a Banner except in accordance with the applicable regulations under Schedule "B" or Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.7.2 No Banner shall exceed 6.0 m² in Sign Area or 1.0 metre in Height.

5.7.3 No Banner shall be erected, located, or displayed on a Property for more than twenty-eight (28) days in one calendar year.

5.7.4 No Banner advertising a special event shall be erected, located, or displayed on fencing adjacent to a Street unless the special event is organized by a Charity or Community Organization and the Charity or Community Organization has obtained the permission of the Owner of the Property on which the fence is located.

- 5.7.5 Notwithstanding subsection 5.7.3, and subject to the other requirements for Banners in this By-law, one Banner, advertising a grand opening or closing promotional event, may be erected, located or displayed on a Property for seven (7) consecutive days, provided that:
- (a) the Banner shall advertise a grand opening or closing promotional event for a business only once;
 - (b) where the Banner advertises a grand opening or closing promotional event for a business, a Mobile Sign shall not also advertise that grand opening or closing promotional event; and
 - (c) the Banner is attached only to a wall of the building containing the business or only to a Ground Sign.

5.8 Sidewalk Signs

- 5.8.1 No Person shall erect, locate, or display a Sidewalk Sign except in accordance with the applicable regulations under Schedule "B" or Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.8.2 No Sidewalk Sign shall be more than 0.6 metres in Width or 0.8 metres in Height.
- 5.8.3 No Sidewalk Sign shall be permanently secured to the ground, any structure or tree.
- 5.8.4 Where a Sidewalk Sign is erected, located, or displayed on private Property, it shall be erected, located, or displayed against the front wall of the business it is advertising.
- 5.8.5 No Sidewalk Sign shall be erected located, located or displayed on public Property except on a public sidewalk.
- 5.8.6 Where a Sidewalk Sign is erected, located, or displayed on a public sidewalk, it shall be erected, located, or displayed adjacent to the curb opposite or against the front wall of the business it is advertising provided there is a minimum 1.5 metres of unobstructed sidewalk and the Sidewalk Sign does not encroach on any Urban Braille System.
- 5.8.7 No Person shall erect, display or locate a Sidewalk Sign on a public sidewalk except during the hours of operation of the business the Sidewalk Sign is advertising.

5.8.8 No Sidewalk Sign shall be erected, located, or displayed on a public sidewalk without a permit issued by the City of Hamilton and the permit shall be valid for one (1) calendar year.

5.8.9 No Sidewalk Sign shall be erected, located, or displayed on a public sidewalk without displaying a Validation Marker and the Sign Owner shall satisfy the City of Hamilton's requirements for liability insurance.

5.9 Inflatable Signs

5.9.1 No Person shall erect, locate, or display an Inflatable Sign except in accordance with the applicable regulations under Schedule "B" or Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.9.2 A permit for an Inflatable Sign shall be valid for seven (7) consecutive days.

5.9.3 No Person or his agent shall apply for or receive permits for an Inflatable Sign which total more than fourteen (14) days for any Property within one (1) calendar year.

5.9.4 No Inflatable Sign shall be more than 7.0 metres in Height or 6.0 metres in Width.

5.9.5 No Inflatable Sign shall be erected, located, or displayed less than 50.0 metres from a Mobile Sign.

5.9.6 An application for a permit for an Inflatable Sign shall provide information satisfactory to the Designated Official on how the Inflatable Sign is to be secured to a fixed base and shall satisfy the City of Hamilton's requirements for liability insurance.

5.9.7 Notwithstanding subsections 5.9.4 and 5.9.5, an Inflatable Sign advertising a holiday or festival may be erected, located or displayed, provided that the Inflatable Sign:

- (a) is no more than 2.7 metres in Height;
- (b) is no more than 2.5 metres in Width;
- (b) is not located within 3.0 metres of any Property Line; and,
- (c) is secured to a fixed base.

5.10 New Home Development Ground Signs

5.10.1 No Person shall erect, locate, or display a New Home Development Ground Sign except in accordance with the applicable regulations under Schedule "C", the

applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

- 5.10.2 No New Home Development Ground Sign shall be permitted to be erected, located, or displayed unless draft plan approval has been granted to the plan of subdivision it advertises.
- 5.10.3 No New Home Development Ground Sign shall be erected, located, or displayed within 5.0 metres of any Property Line.
- 5.10.4 No New Home Development Ground Sign shall erected, located or displayed except on Vacant Property.
- 5.10.5 No more than two (2) New Home Development Ground Signs may be erected, located, or displayed in a subdivision and no more than two (2) New Home Development Ground Signs may be erected, located, or displayed outside the subdivision on private Property with the approval of the Owner of the Property.
- 5.10.6 No New Home Development Ground Sign shall exceed a maximum Sign Area of 18.0 m².
- 5.10.7 In addition to a New Home Development Ground Sign, a maximum of one (1) model home Sign for each model home may be erected, located, or displayed within a subdivision provided the model home Sign does not exceed a maximum Sign Area of 3.0 m².
- 5.10.8 A New Home Development Ground Sign shall be removed twenty-eight (28) days after the date that the sale of homes in the subdivision has ended.

5.11 New Home Development Portable Signs

- 5.11.1 No Person shall erect, locate, or display a New Home Development Portable Sign except in accordance with the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.11.2 No New Home Development Portable Sign shall be erected, located, or displayed on the untravelled portion of a Street except in accordance with the following regulations:
 - (a) the Sign Area of the New Home Development Portable Sign shall not exceed 1.2 m²;

- (b) the Height of the New Home Development Portable Sign shall not exceed 1.2 m;
- (c) the New Home Development Portable Sign shall not be illuminated or animated, nor shall it and contain any device that creates noise or motion;
- (d) the New Home Development Portable Sign shall be displayed no earlier than noon on any Friday and removed by no later than noon of the following Monday, provided that where a statutory holiday falls on a Friday, the New Home Development Portable Sign shall be displayed no earlier than noon on the preceding Thursday, and where a statutory holiday falls on a Monday, the New Home Development Portable Sign shall be removed by no later than noon on the following Tuesday;
- (e) the New Home Development Portable Sign shall not be erected, located or displayed where it impairs or obstructs the visibility or movement of vehicular or pedestrian traffic, or where it impairs or obstructs the visibility of warning devices for railways, traffic signals, traffic control devices or Official Signs or Authorized Signs;
- (f) the New Home Development Portable Sign shall not be erected, located, or displayed on a traffic island or median or attached to a light standard or utility pole;
- (g) the New Home Development Portable Sign shall display a Validation Marker;
- (h) the Sign Owner shall satisfy the liability insurance requirements of the City of Hamilton;
- (i) no more than ten (10) permits shall be issued for New Home Development Portable Signs advertising the sale of homes in the subdivision;
- (j) the maximum number of New Home Development Portable Signs permitted at each intersection shall be three (3) Signs on any one corner of an intersection and each builder shall use no more than one (1) Sign on each intersection;
- (k) no New Home Development Portable Sign shall be erected, located, or displayed less than 1.5 metres from the curb or edge of the travelled portion of the roadway where there is no curb;
- (l) no New Home Development Portable Sign shall be erected, located, or displayed on a public sidewalk; and,
- (m) no New Home Development Portable Sign shall be erected, located, or displayed less than 3.0 metres from a Driveway Line.

5.12 Poster

- 5.12.1 No Person shall erect, locate, or display a Poster except in accordance with Schedule "B" and the general regulations applicable under this By-law.

- 5.12.2 Notwithstanding Schedule "B" and any general regulations applicable under this By-law, the City of Hamilton may remove and dispose of Posters without notice or compensation to any person.

5.13 Election Signs

- 5.13.1 No Person shall erect, locate, or display an Election Sign except in accordance with the applicable regulations under Schedule "B", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.
- 5.13.2 The maximum size of an Election Sign is 1.5 m² for each sign face.
- 5.13.3 No Person or his agent shall erect, locate, or display an Election Sign unless it is erected, located, or displayed on private Property, except as a Poster subject to all of the regulations regarding Posters in this By-law and to subsections 5.13.4, 5.13.5, and 5.13.7.
- 5.13.4 No Election Sign associated with a federal or provincial election shall be erected, located, or displayed earlier than the date the writ of election is issued, with the exception of signage at a Campaign Office.
- 5.13.5 No Election Sign associated with a municipal election shall be erected, located, or displayed earlier than twenty-eight (28) days prior to voting day, with the exception of signage at a Campaign Office.
- 5.13.6 Any Sign used by a candidate during an election that is larger than an Election Sign shall comply with the regulations of this By-law with respect to permits, structure, location, dimensions, and characteristics.
- 5.13.7 All Election Signs shall be removed no later than three (3) days after the voting day of the election for which the Sign was erected, located, or displayed. For the purpose of this subsection, the candidate shall be responsible for the removal of the Election Signs.

5.14 Billboards

- 5.14.1 No Person shall erect, locate, or display a Billboard except in accordance with the applicable regulations under Schedule "C", the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

- 5.14.2 No Billboard shall be erected, located, or displayed except in accordance with the following regulations:
- (a) the Billboard shall not be erected, located, or displayed within 400.0 metres of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway, or the Red Hill Creek Expressway;
 - (b) the Billboard shall not be erected, located, or displayed on a Property within the Downtown Community Improvement Project Area;
 - (c) the Billboard shall not be erected, located, or displayed less than 300.0 metres from another Billboard;
 - (d) the Billboard shall not be erected, located, or displayed less than 300.0 metres from any residentially Zoned Property;
 - (e) the Billboard shall not be animated;
 - (f) the Sign Area of a Billboard shall not exceed 18.0 m²;
 - (g) the Height of a Billboard shall not exceed 12.0 metres;
 - (h) the Width of a Billboard shall not exceed 4.0 metres: and,
 - (i) the Billboard shall be erected, located, or displayed on Vacant, undeveloped Property Zoned commercial or industrial.
- 5.14.3 Where a Property on which a Billboard is erected, located, or displayed ceases to be Vacant or undeveloped, the Sign Owner shall remove the Billboard from the Property.

PART 6.0 VARIANCES

- 6.1 Any Person may apply for a variance from this By-law or any provision thereof.
- 6.2 An application for variance shall be made on the form prescribed by the City of Hamilton and shall be accompanied by the applicable fee, as set out in Schedule "A".
- 6.3 Variances may be authorized by the Director of Development and Real Estate or his designate.
- 6.4 The City of Hamilton may authorize a variance if in its opinion the general intent and purpose of the By-law are maintained.
- 6.5 In considering an application for a variance, the City of Hamilton shall have regard for:
- (a) special circumstances or conditions applying to the land, building or use referred to in the application;

- (b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (c) whether such special circumstances or conditions are pre-existing and not created by the Sign Owner or applicant; and
- (d) whether the Sign that is the subject of the variance will alter the essential character of the area in which the Sign will be located.

- 6.6 An applicant may appeal the variance application decision of the Director of Development and Real Estate to the Planning and Economic Development Committee.
- 6.7 The City Clerk shall notify the applicant once a hearing date before the Planning and Economic Development Committee has been fixed and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.
- 6.8 Council may uphold or vary the recommendations of the Planning and Economic Development Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

PART 7.0 PENALTIES AND ENFORCEMENT

- 7.1 Every Person who contravenes any provision of this By-law is guilty of an offence. Pursuant to the provisions of the *Provincial Offences Act*, upon conviction a Person is liable to a fine of not more than \$5,000.00 exclusive of costs.
- 7.2 Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 7.3 Where a Sign is erected, located, or displayed on, over, partly on, or partly over, Property owned by or under the jurisdiction of the City of Hamilton and not in accordance with the regulations of this By-law, the Sign may be removed immediately by the City of Hamilton without notice or compensation.
- 7.4 Where a Sign is erected, located, or displayed in contravention of this By-law, the Designated Official may immediately pull down or remove any Sign that he

determines constitutes a safety hazard or a concern without notice or compensation.

- 7.5 Where a Sign does not comply with this By-law or a permit issued under this By-law, the Designated Official may order the Sign Owner to remove or bring the Sign into compliance in the manner and within the time specified in the order.
- 7.6 The order mentioned in section 7.5 may be served:
- (a) by personal service upon the Sign Owner;
 - (b) by prepaid registered mail sent to the last address of the Sign Owner, shown on the records of the City of Hamilton; or,
 - (c) by prominently posting a copy of the order either on the Sign in respect of which the order is made, or on the Property upon which the Sign is erected, located, or displayed.
- 7.7 Where the order is served in accordance with section 7.6 it is deemed to have been received by the party being served upon the mailing or posting of the order.
- 7.8 Where a Sign is not removed or is not brought into conformity as required by an order under section 7.5, the Designated Official may have the Sign removed without notice or compensation. For this purpose, the Designated Official, an inspector and their contractor or other agent may enter upon the Property at any reasonable time.
- 7.9 The cost incurred by the City of Hamilton in removing a Sign under this part of the By-law is deemed to be municipal taxes and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the City of Hamilton in removing a Sign under this part of the By-law is a debt payable to the City of Hamilton and may be recovered in any court of competent jurisdiction.
- 7.10 Any Sign removed by the City of Hamilton shall be stored by the City of Hamilton for twenty-eight (28) days, during which time the Sign Owner may redeem such Sign upon payment of the applicable fee prescribed on Schedule "A."
- 7.11 Where a Sign has been removed by the City of Hamilton and has been stored for a period of twenty-eight (28) days and has not been redeemed by the Sign Owner, such Sign may be destroyed or otherwise disposed of by the City of Hamilton without notice or compensation.

**PART 8.0
CONFLICT**

- 8.1 Where a provision of this By-law conflicts with a provision of any other by-law or any federal or provincial statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

**PART 9.0
VALIDITY**

- 9.1 If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

**PART 10.0
REPEAL**

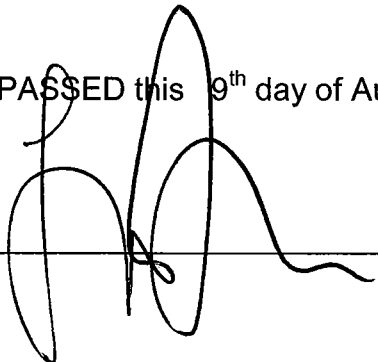
- 10.1 The By-laws listed on Schedule "D" are hereby repealed as of the day on which this By-law comes into force and effect.

**PART 11.0
EFFECTIVE DATE**

- 11.1 This By-law comes into force and effect on February 1, 2007.

ENACTED AND PASSED this 9th day of August, 2006.

MAYOR



CLERK



SCHEDULE "A" TO BY-LAW NO. 06-243

Fees

1. PERMITS FOR SIGNS

SIGN TYPE	FEE
Ground Sign New Home Development Ground Sign	\$150.00 sign area of less than or equal to 2.5 m ² \$250.00 sign area from greater than 2.5 m ² to equal to 4.0 m ² \$500.00 sign area of greater than 4.0 m ²
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$250.00
Billboard	\$500.00
Mobile Sign	\$100.00 for 28 consecutive days \$65.00 for 14 consecutive days
Mobile Sign advertising a grand opening or closing promotional event	\$150 for 7 consecutive days
Sidewalk Sign	\$75.00 per year
Banner	\$75.00 for 28 consecutive days
Banner advertising a grand opening or closing promotional event	\$150 for 7 consecutive days
Inflatable Sign	\$75 for 7 consecutive days
New Home Development Portable Sign	\$50.00 per year
2. SIGN VARIANCE APPLICATION	
Fee	\$670.00

SCHEDULE "A" TO BY-LAW NO. 06-243	
Fees	
Fee for a Sign Erected, Located or Displayed Without a Permit	\$970.00
3. ENFORCEMENT FEES	
Removal of an Unlawful Permanent Sign	\$200.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Permanent Sign	\$50.00 per Sign per day
Removal of an Unlawful Mobile Sign	\$200.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Mobile Sign	\$50.00 per Sign per day
Removal of an Unlawful Portable Sign	\$50.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Portable Sign	\$25.00 per Sign per day
Storage Charge for an Unlawful Election Sign	\$25.00 per Sign per day
4. REFUND of FEES	
Notwithstanding the percentages below, no refund is to be made of an amount less than \$75.00	
75 percent if, in the opinion of the Designated Official, administrative functions only have been performed	
50 percent if, in the opinion of the Designated Official, administrative and plan examination functions only have been performed	
25 percent if the permit has been issued and no inspections have been performed subsequent to permit issuance and the Sign has not been erected, located or displayed	

SCHEDULE "B" TO BY-LAW NO. 06-243

Signs Not Requiring Permits

No permit shall be required for Signs meeting the following regulations:

SIGN TYPE	LOCATION/ZONE	REGULATIONS
Sign in a City of Hamilton park or cemetery	City of Hamilton park or cemetery	Subject to the provision of the City of Hamilton By-law governing the park or cemetery.
Inflatable Sign advertising a holiday or festival	Private Property	Refer to Subsection 5.9.7
Election Sign	Private Property	Refer to Section 5.13
Commemorative Sign, plaques, or corner stone of a non-advertising nature	Public and Private Property	Attached to the wall of the building.
Emblem of Religious Organization	Private Property	-
Flag of a country, province, territory, municipality, corporation, organization or association	Public and Private Property	-
Sidewalk Sign	Private Property	Refer to Section 5.8
Home Occupation Sign	Residential Zone	Maximum Sign Area 0.3 m ² . Signs must be attached to and flat against the wall of the related building. Signs must be non-illuminated.
Bed and Breakfast Sign	Residential Zone	Maximum Sign Area 0.3 m ² .
No Trespass or Warning Sign	Private Property	Maximum Sign Area 0.2 m ² .
Sign advertising the sale of seasonal farm produce	Agricultural Zone	Maximum Sign Area 3.0 m ² Approval of the Owner of the Property.

SCHEDULE "B" TO BY-LAW NO. 06-243		
Signs Not Requiring Permits		
No permit shall be required for Signs meeting the following regulations:		
Sign associated with an agricultural use	Agricultural Zone	Maximum Sign Area 3.0 m ² .
Sign erected, located or displayed by a non-profit agricultural society for an event or fair it operates	Agricultural Zone	Maximum Sign Area 9.0 m ² Approval of the Owner of the Property.
Mural	Commercial Zone	Maximum Sign Area 50% of the wall on which the mural is displayed.
Incidental Sign	Private Property	Maximum Sign Area 1.0 m ² .
Directional Sign	Private Property	
Banner erected, located or displayed by a Charity or community organization	Private Property	Refer to Section 5.7.
Sign erected, located or displayed by a Person performing work or services on a residential Property	Private Property in Residential Zones if the service is being performed at that Property	Maximum Sign Area not exceeding 1.2 m ² and Height not exceeding 1.25 metres. No illumination. Display only during the period the work or service is being performed.
Real Estate Sign	Private Property/Residential Use	Maximum Sign Area 1.0 m ² Only erected, located, or displayed on Property for sale or rent. Display no longer than seven (7) days after a firm sale is reported to the local realtors association or seven (7) days after the Property or space has been leased.

SCHEDULE "B" TO BY-LAW NO. 06-243

Signs Not Requiring Permits

No permit shall be required for Signs meeting the following regulations:

Real Estate Sign	Private Property/Apartment	Maximum Sign Area 4.0 m ² Only erected, located, or displayed on Property for sale or rent. Display no longer than seven (7) days after a firm sale is reported to the local realtors association or seven (7) days after the Property or space has been leased.
Real Estate Sign	Private Property Commercial/Industrial Use	Maximum Sign Area 4.0 m ² Only erected, located, or displayed on Property for sale or rent.
Open House Directional Sign		Maximum Sign Area 0.5 m ² Not erected, located, or displayed on a traffic median, traffic island, light standard or utility pole. Located no closer than 0.3 metres from the sidewalk. Displayed between 10:00 a.m. and 6:00 p.m. the day of the open house.
Construction Information Sign	Private Property	Maximum Sign Area 10.0 m ² . Display no longer than 30 days after project's completion.
Temporary Personal Sign	Private Property	Maximum Sign Area 2.0 m ² . Located 3.0 metres from the Street Line and 3.0 metres from any interior Property Line. Maximum display period of 48 hours.

SCHEDULE "B" TO BY-LAW NO. 06-243

Signs Not Requiring Permits

No permit shall be required for Signs meeting the following regulations:

Poster	Community Bulletin Boards or Poster Sleeve at Designated Locations	<ul style="list-style-type: none"> - Paper or cardboard only. - Maximum Sign Area 22.0 cm by 28.0 cm. - Only affixed by tape. - Maximum one Poster per approved location. - Maximum display period of 21 days and not more than 3 days after the end of an advertised event.
Window Sign	Private Property	Maximum 50% of the window surface.

SCHEDULE "C" TO BY-LAW NO. 06-243

Sign Provisions For Signs Requiring Permits

A permit shall be required for the following Signs:

Sign Type	Zone/Use	Regulations		
		Maximum Number	Maximum Sign Area	Maximum Height
Ground Sign	Refer to Subsection 5.2.11	Separation of 200.0 metres between each Ground Sign parallel with the Frontage on a Street	0.3 times the Property Frontage on which the Sign is erected, located, or displayed to a maximum area of 18.0 m ² for each Sign Face	3.5 metres (Sign Area less than 4.0 m ²)
				6.0 metres (Sign Area 4.0 m ² to 6.0 m ²)
				7.5 metres (Sign Area over 6.0 m ²)
Wall Sign	Refer to Subsection 5.3.12	-	15% of the building elevation on which the Sign is erected, located, or displayed	-
Awning, Canopy and Marquee Signs	Refer to Subsection 5.5.3	-	Graphic or lettering limited to 20% of the surface	-
Inflatable Sign not including an Inflatable Sign advertising a holiday or festival	Commercial and Industrial Zones on developed and occupied Property	Refer to Section 5.9		

SCHEDULE "C" TO BY-LAW NO. 06-243

Sign Provisions For Signs Requiring Permits

A permit shall be required for the following Signs:

Parapet Sign	Refer to Subsection 5.3.12	1 for each side of a building	15% of the parapet	-
Projecting Sign	Commercial Zones	1	1.0 m ²	-
Billboard	Commercial and Industrial Zones on Vacant, undeveloped Property	Refer to Section 5.14		
Mobile Sign	Refer to Subsections 5.6.25 and 5.6.26	Refer to Section 5.6		
Banner not including a Banner erected, located or displayed by a Charity or community organization	Commercial, Industrial and Institutional Zones	Refer to Section 5.7		
Sidewalk Sign not including a Sidewalk Sign on private Property	Commercial use	Refer to Section 5.8		
New Home Development Ground Sign	Residential and Commercial Zones	Refer to Section 5.10		
New Home Development Portable Sign	Residential and Commercial Zones	Refer to Section 5.11		

SCHEDULE "D" TO BY-LAW NO. 06-243

By-law Laws Repealed by By-law 06-243

The Corporation of the Town of Ancaster
95-50
95-51

The Corporation of the Town of Flamborough
97-67-S

The Corporation of the Township of Glanbrook
511-94
512-94
512-1-95

The Corporation of the City of Hamilton
Subsections 5(3a), 5(3b) and 5(3c) of 66-100
Section 1 of By-law 75-127
81-160
81-218
Section 16a. of 86-77
93-003
93-121
94-056
96-092
97-026
97-075

City of Hamilton
02-368
05-154

The Corporation of the Down of Dundas
3094-79
3140-79 amends 3094-79
3213-80 amends 3094-79
3238-81 amends 3094-79
3304-81 amends 3094-79
3386-83 amends 3094-79
3422-83 amends 3094-79
3559-85
3732-88 amends 3094-79
4286-96 amends 3094-79
4333-97 amends 3094-79
4384-97 amends 3094-79
4410-98 amends 3094-79
4532-00 amends 3094-79

4579-00 amends 3094-79

The Corporation of the City of Stoney Creek

2531-88

2627-88

2792-89 amends 2627-88

2867-89 amends 267-88 and 2792-89

3042-89

3141-90

3263-90 amends 3042-89

3515-92 amends 3042-89

3721-93 amends 3042-89

3961-94 amends 3042-89

4267-95

4529-97 amends 3042-89

The Regional Municipality of Hamilton-Wentworth

R94-117

R97-030

R99-002 amends R94-117