SUBJECT: Sign Study and By-law - Final Report (PED05172(b)) (City Wide)

RECOMMENDATION:

a) That the following recommendations as presented in the Sign By-law Study Final Report PED05172(a) dated May 2006, be approved;

i) That the General Manager of Public Works be directed to investigate the provision of Poster Kiosks and identification of appropriate locations for Postering including necessary funding as per the recommendations in the Study and report back during the 2007 budget process;

ii) That the General Manager of Public Works be directed to investigate the provision of maintenance of the Poster Kiosks and Postering Program including necessary funding as per the recommendations in the Study and report back during the 2007 budget process;

iii) That the General Manager of Public Works be directed to investigate the implementation of a “Sign Busters” Program and report back before February 1, 2007;

iv) That the hiring of two (2) new By-law Enforcement Officers effective November 1, 2006, with associated one-time costs to be funded from the Planning and Economic Development Department’s operating surplus, if any, dedicated to proactive Sign By-law enforcement as per the recommendations in the Study, be approved;

v) That the General Manager of Planning and Economic Development be directed to report back to the Planning and Economic Development Committee by June 2008 regarding the application of the new Sign By-law including any recommendations for changes as may be applicable at that time;
vi) That the General Manager of Planning and Economic Development be directed to amend the City of Hamilton Licensing Code, as amended, to license persons that carry on the business of erecting Mobile Signs;

vii) That the effective date of the new Sign By-law be February 1, 2007 in order for businesses to familiarize themselves with the new By-law and provide them the opportunity to bring existing signage into compliance if necessary;

b) That the Martin Rendl Associates New Sign By-law Study - Supplementary Report, dated July 2006 and attached to Report PED05172(b) as Appendix B be received; and

c) That the draft by-law attached as Appendix A to the Sign By-law Study Final Report (PED05172(b)), be passed and enacted.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

On June 22, 2006 the Sign Study and By-law - Final Report (PED05172(a)) was presented to a special Public Meeting of the Planning and Economic Development Committee of Council. Following presentations from various stakeholders including the public, businesses and the sign industry, the P&ED Committee and Council directed staff to consider amendments to the draft By-law and report back to the regular Planning and Economic Development Committee Meeting of August 8, 2006.

**BACKGROUND:**

Following extensive public consultation a Final Report and draft Sign By-law were presented to a Public Meeting of the Planning and Economic Development Committee of Council June 22, 2006.

The new Sign By-law was intended to be written in clear language and designed:
- to ensure regulatory fairness and equity;
- to provide a uniform set of rules for the sign industry, property owners, businesses, etc.; and,
- to enhance and maintain the beauty and aesthetics of the City.
The Public Meeting June 22, 2006 heard from the broad spectrum of stakeholders who generally spoke in favour of the proposed Sign By-law. Suggestions for minor amendments to the draft By-law were presented by a few stakeholders and the Planning and Economic Development Committee subsequently directed staff to review the suggestions and report back to their August 8, 2006 meeting.

The minutes of the June 22nd Public Meeting of the Planning and Economic Development Committee Meeting noted:

“That Report PED05172(a), including the Final Study Report by Martin Rendl, together with the revised by-law considered by Committee on June 22, 2006, be received, and that staff be directed to review the comments made at the Public Meeting on June 22, 2006 including, but not limited to:

- special occasion mobile signs, for a maximum of 2 x 1 week time periods per year, for business openings and closings
- allowing 2 x 15 day time periods as an alternative to one x 30 day period for mobile signs
- including provisions for horticultural nurseries, greenhouses and garden centres in the agricultural and rural signage provisions
- the items raised by HABIA, including removal of abandoned signs, limitations on posters, and use of professional signs
- provision to allow projecting signs with interchangeable messaging
- allowing the inclusion of colours in mobile signage
- adjusting Open House Signs placement and pickup times to mitigate issues related to rush hour traffic on the Friday afternoon expectation of early pick up on the Monday morning [refers to New Home Development Portable Signs].

And report back to Committee on August 8, 2006 with appropriate revisions and amendments.”

**ANALYSIS/RATIONALE:**

The attached report from the Consultant provides an analysis and response for each of the above comments. Staff reviewed the analysis prepared by the consultant and is in agreement with the conclusions. Where feasible, amendments were incorporated into the new draft by-law. Where the implications or outcomes were not feasible or did not meet the intent, they were not incorporated in the final draft version and an explanation is provided in the Consultant’s report.
The amendments or explanations for each item follow below. Where amendments are proposed, for purposes of clarity, they have also been highlighted in the attached By-law:

1) special occasion mobile signs, for a maximum of 2 x 1 week time periods per year, for business openings and closings

The proposed by-law has also been amended to allow Mobile Signs to be used for advertising business openings and closings.

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.

The Fee Schedule has been amended to accommodate this new special occasion signage. The fee has been set at $150 for the permit period, similar to the fee charged in Oakville where a similar By-law provision exists and as suggested by a representative of the Mobile Sign Industry.

Schedule “A”

| Mobile Sign advertising a grand opening or closing promotional event | $150 for 7 consecutive days |

The proposed by-law has been amended to also allow Banners to be used for advertising business openings and closings.

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.

The proposed fee for this special occasion signage has also been set at $150 for the permit period, the same fee as for a Mobile Sign.

Schedule “A”
2) allowing 2 x 15 day time periods as an alternative to one x 30 day period for mobile signs

The proposed by-law has been amended to allow Mobile Signs to be used for shorter display periods. As a result, the amount of permit opportunities available to a single business at a property has increased from three (3) to six (6).

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.

As a result of the significant changes in this section, an additional fee component has been added. It is proposed that the fee for a permit with one display period of fourteen (14) consecutive days be $65. If two permits are taken out at the same time, for a display period of twenty-eight (28) consecutive days, being two (2) permit periods, the $100 permit fee will remain as initially proposed. This new fee regime reflects the extra administrative and enforcement efforts to process additional permits and monitor their expiry dates.

Schedule “A”

<table>
<thead>
<tr>
<th>Mobile Sign</th>
<th>$100.00 for 28 consecutive days</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$65.00 for 14 consecutive days</td>
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3) including provisions for horticultural nurseries, greenhouses and garden centres in the agricultural and rural signage provisions

As discussed in the Consultant’s Supplementary Report, no action is required on this item.
4) the items raised by HABIA, including removal of abandoned signs, limitations on posters, and use of professional signs

As noted in the Consultant’s Report, Abandoned Signs are being dealt with through provisions related to safety.

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

   (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;

Postering regulations have had a minor amendment by changing the end of an advertised event from five (5) days to three (3) days.

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.

Schedule “B”

| Poster                                                      | Community Bulletin Boards or Poster Sleeve at Designated Locations | - 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. |

As discussed in the Consultant’s Supplementary Report, no further action is required on HABIA’s submission.

5) provision to allow projecting signs with interchangeable messaging

The proposed by-law has been amended to allow Projecting Signs to be a Read-o-graph or Electronic Message Display.

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.

Subsection 5.4.2 of the draft By-law also requires the owner of the property to enter into an Encroachment Agreement with the City and satisfy the City’s requirements for liability insurance where a projecting sign overhangs City property.

The proposed by-law has been amended to also allow interchangeable messaging for Wall Signs.

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.

6) allowing the inclusion of colours in mobile signage

After considerable review the proposed by-law has been amended to permit a limited amount of colour including logos and graphics on Mobile Signs.

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.

This is a significant change from the original proposal and, as noted in the Consultant’s Supplementary Report, is in line with the regulations in other municipalities.

7) adjusting Open House Signs placement and pickup times to mitigate issues related to rush hour traffic on the Friday afternoon expectation of early pick up on the Monday morning [refers to New Home Development Portable Signs].

The placement and pickup times have been changed in the proposed by-law.

5.11.2 (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;

While the above details the significant changes to the draft Sign By-law, additional minor amendments have been made during this review, including changes recommended by Legal Services, but have not been highlighted in this report or the By-
law. For example, definitions have been added, deleted, revised or combined without affecting the overall meaning or intent of the By-law. Another example is Section 3.6 Refunds that has been developed to provide for a partial refund of fees paid based on specific criteria.

As noted in our report May 30, 2006, significant staff time and resources will be required in the initial transition period following approval of the new By-law. Staff time will be required to develop new streamlined administrative processes, work out poster policies and locations, implement a permit ‘stickering’ system, etc. In addition, staff will be required to research existing signs with respect to their ‘legal non-conforming’ status. Considerable dialogue, documentation and contact will be required to address some of the issues.

Where signs have not been installed in compliance with the current standards, businesses will require time to bring those signs into conformance.

In addition, an education program will be developed and implemented. It is expected to consist of press releases, periodic information up-dates on the City Website, information brochures describing the new sign regulations [a form of Cole’s notes], speaking engagements, wording for Councillors’ newsletters and training of staff.

Following approval of the By-law, staff will also begin work on developing the short form wording necessary for implementing efficient enforcement of the By-law.

**ALTERNATIVES FOR CONSIDERATION:**

All seven items from the Planning and Economic Development Committee meeting were reviewed and as noted, where feasible, workable alternatives were included in the attached revised draft of the Sign By-law. As well there were numerous staff-generated amendments.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no additional financial or staffing implications as a result of the proposed amendments. The Legal Department has been directly involved in the preparation of the final version of the By-law.

**POLICIES AFFECTING PROPOSAL:**

The Risk Management Section was consulted with respect to the proposed amendments. While concern was expressed regarding the proposal to allow Projecting [Overhanging] Signs to contain interchangeable messaging because of the increased risk it poses the requirement for proof of appropriate insurance off-set the concern. As a result, this proposal was included in the revised draft by-law.

**RELEVANT CONSULTATION:**
An internal review was undertaken as well as external consultation with stakeholders.

While there is general agreement with the stakeholders on many of the proposed amendments, a few issues remain contentious.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

The new Sign By-law will rationalize all Sign By-laws currently in force throughout the City. The result will be a By-law easier to understand by all, more fair and equitable to users and easier to administer by the City.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

The Sign By-law will reduce clutter and eliminate much of the unsightly postering currently seen in the City. It should also make travel along City streets and sidewalks more enjoyable and safer.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Numerous Sign Companies have mentioned that a fair, balanced and effectively enforced By-law will preserve and possibly enhance their investment in the City. A regulated sign industry with proactive enforcement will also provide for more effective signage throughout the community.

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No
The Triple Bottom Line (community, environment and economic implications) is being met.

The community is getting a By-law that goes a long way to satisfying their concerns and complaints about urban blight, safety, clutter, etc. The By-law supports the environmental aspect by reducing the amount of clutter, debris and wasted valuable resources. Finally, the business community is receiving a By-law that balances their right and need to advertise. Everyone is being treated in a fair and equitable manner with equal opportunity. The City is also a benefactor through a more coordinated, streamlined administration.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
The creation of a respectful, desirable and supportive workplace.

The new Sign By-law will be easier to understand, administer and enforce. These factors, with Council and Senior Management support, will foster pride in the workforce knowing they are providing a valuable service to the community and City as a whole.

:DBM
Attach. (2)
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 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-law 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,
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 displayed 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;
Appendix A to Report PED05172(b)
Page 12 of 35

(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 10 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 Facade 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 façade.

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 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.

5.5.2 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 sub-sections 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.

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 day of , 2006.

READ A FIRST AND SECOND TIME THIS DAY OF , 2006
READ A THIRD TIME AND PASSED THIS DAY OF , 2006

___________________________________    ______________________________
CITY CLERK               MAYOR
### SCHEDULE “A” TO BY-LAW NO. 06-____

#### Fees

**1. PERMITS FOR SIGNS**

<table>
<thead>
<tr>
<th>SIGN TYPE</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Sign</td>
<td>$150.00 sign area of less than or equal to 2.5 m²</td>
</tr>
<tr>
<td>New Home Development Ground Sign</td>
<td>$250.00 sign area from greater than 2.5 m² to equal to 4.0 m²</td>
</tr>
<tr>
<td></td>
<td>$500.00 sign area of greater than 4.0 m²</td>
</tr>
<tr>
<td>Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs</td>
<td>$250.00</td>
</tr>
<tr>
<td>Billboard</td>
<td>$500.00</td>
</tr>
<tr>
<td>Mobile Sign</td>
<td>$100.00 for 28 consecutive days</td>
</tr>
<tr>
<td></td>
<td>$65.00 for 14 consecutive days</td>
</tr>
<tr>
<td>Mobile Sign advertising a grand opening or closing promotional event</td>
<td>$150 for 7 consecutive days</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>$75.00 per year</td>
</tr>
<tr>
<td>Banner</td>
<td>$75.00 for 28 consecutive days</td>
</tr>
<tr>
<td>Banner advertising a grand opening or closing promotional event</td>
<td>$150 for 7 consecutive days</td>
</tr>
<tr>
<td>Inflatable Sign</td>
<td>$75 for 7 consecutive days</td>
</tr>
<tr>
<td>New Home Development Portable Sign</td>
<td>$50.00 per year</td>
</tr>
</tbody>
</table>

**2. SIGN VARIANCE APPLICATION**

| Fee                                                                       | $670.00                                                          |
| Fee for a Sign Erected, Located or Displayed Without a Permit             | $970.00                                                          |
### SCHEDULE “A” TO BY-LAW NO. 06-____

#### Fees

<table>
<thead>
<tr>
<th>3. ENFORCEMENT FEES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of an Unlawful Permanent Sign</td>
<td>$200.00 per Sign or the actual cost of removing the Sign, whichever is greater</td>
</tr>
<tr>
<td>Storage Charge for an Unlawful Permanent Sign</td>
<td>$50.00 per Sign per day</td>
</tr>
<tr>
<td>Removal of an Unlawful Mobile Sign</td>
<td>$200.00 per Sign or the actual cost of removing the Sign, whichever is greater</td>
</tr>
<tr>
<td>Storage Charge for an Unlawful Mobile Sign</td>
<td>$50.00 per Sign per day</td>
</tr>
<tr>
<td>Removal of an Unlawful Portable Sign</td>
<td>$50.00 per Sign or the actual cost of removing the Sign, whichever is greater</td>
</tr>
<tr>
<td>Storage Charge for an Unlawful Portable Sign</td>
<td>$25.00 per Sign per day</td>
</tr>
<tr>
<td>Storage Charge for an Unlawful Election Sign</td>
<td>$25.00 per Sign per day</td>
</tr>
</tbody>
</table>

#### 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-____**

**Signs Not Requiring Permits**

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

<table>
<thead>
<tr>
<th>SIGN TYPE</th>
<th>LOCATION/ZONE</th>
<th>REGULATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign in a City of Hamilton park or cemetery</td>
<td>City of Hamilton park or cemetery</td>
<td>Subject to the provision of the City of Hamilton By-law governing the park or cemetery.</td>
</tr>
<tr>
<td>Inflatable Sign advertising a holiday or festival</td>
<td>Private Property</td>
<td>Refer to Subsection 5.9.7</td>
</tr>
<tr>
<td>Election Sign</td>
<td>Private Property</td>
<td>Refer to Section 5.13</td>
</tr>
<tr>
<td>Commemorative Sign, plaques, or corner stone of a non-advertising nature</td>
<td>Public and Private Property</td>
<td>Attached to the wall of the building.</td>
</tr>
<tr>
<td>Emblem of Religious Organization</td>
<td>Private Property</td>
<td>-</td>
</tr>
<tr>
<td>Flag of a country, province, territory, municipality, corporation, organization or association</td>
<td>Public and Private Property</td>
<td>-</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>Private Property</td>
<td>Refer to Section 5.8</td>
</tr>
<tr>
<td>Home Occupation Sign</td>
<td>Residential Zone</td>
<td>Maximum Sign Area 0.3 m². Signs must be attached to and flat against the wall of the related building. Signs must be non-illuminated.</td>
</tr>
<tr>
<td>Bed and Breakfast Sign</td>
<td>Residential Zone</td>
<td>Maximum Sign Area 0.3 m².</td>
</tr>
<tr>
<td>No Trespass or Warning Sign</td>
<td>Private Property</td>
<td>Maximum Sign Area 0.2 m².</td>
</tr>
<tr>
<td>Sign advertising the sale of seasonal farm produce</td>
<td>Agricultural Zone</td>
<td>Maximum Sign Area 3.0 m² Approval of the Owner of the Property.</td>
</tr>
</tbody>
</table>
## SCHEDULE “B” TO BY-LAW NO. 06-____

### Signs Not Requiring Permits

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Location</th>
<th>Maximum Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign associated with an agricultural use</td>
<td>Agricultural Zone</td>
<td>3.0 m²</td>
</tr>
<tr>
<td>Sign erected, located or displayed by a non-profit agricultural society for an event or fair it operates</td>
<td>Agricultural Zone</td>
<td>9.0 m² Approval of the Owner of the Property.</td>
</tr>
<tr>
<td>Mural</td>
<td>Commercial Zone</td>
<td>50% of the wall on which the mural is displayed.</td>
</tr>
<tr>
<td>Incidental Sign</td>
<td>Private Property</td>
<td>1.0 m²</td>
</tr>
<tr>
<td>Directional Sign</td>
<td>Private Property</td>
<td></td>
</tr>
<tr>
<td>Banner erected, located or displayed by a Charity or community organization</td>
<td>Private Property</td>
<td>Refer to Section 5.7.</td>
</tr>
<tr>
<td>Sign erected, located or displayed by a Person performing work or services on a residential Property</td>
<td>Private Property in Residential Zones if the service is being performed at that Property</td>
<td>Maximum Sign Area not exceeding 1.2 m² and Height not exceeding 1.25 metres. No illumination. Display only during the period the work or service is being performed.</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>Private Property/Residential Use</td>
<td>1.0 m²</td>
</tr>
</tbody>
</table>

- 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-____

### Signs Not Requiring Permits

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

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Location</th>
<th>Maximum Sign Area</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Real Estate Sign</strong></td>
<td>Private Property/Apartment</td>
<td>4.0 m²</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Real Estate Sign</strong></td>
<td>Private Property</td>
<td>4.0 m²</td>
<td>Only erected, located, or displayed on Property for sale or rent.</td>
</tr>
<tr>
<td><strong>Open House Directional Sign</strong></td>
<td></td>
<td>0.5 m²</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Construction Information Sign</strong></td>
<td>Private Property</td>
<td>10.0 m²</td>
<td>Display no longer than 30 days after project’s completion.</td>
</tr>
<tr>
<td><strong>Temporary Personal Sign</strong></td>
<td>Private Property</td>
<td>2.0 m²</td>
<td>Located 3.0 metres from the Street Line and 3.0 metres from any interior Property Line. Maximum display period of 48 hours.</td>
</tr>
</tbody>
</table>
### SCHEDULE “B” TO BY-LAW NO. 06-____

**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 | - 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. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Window Sign</td>
<td>Private Property</td>
<td>Maximum 50% of the window surface.</td>
</tr>
</tbody>
</table>
### SCHEDULE “C” TO BY-LAW NO. 06-____

**Sign Provisions For Signs Requiring Permits**

A permit shall be required for the following Signs:

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Zone/Use</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Sign</td>
<td>Refer to Subsection 5.2.11</td>
<td>Separation of 200.0 metres between each Ground Sign parallel with the Frontage on a Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5 metres (Sign Area less than 4.0 m$^2$)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6.0 metres (Sign Area 4.0 m$^2$ to 6.0 m$^2$)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7.5 metres (Sign Area over 6.0 m$^2$)</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>Refer to Subsection 5.3.12</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15% of the building elevation on which the Sign is erected, located, or displayed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Awning, Canopy and Marquee Signs</td>
<td>Refer to Subsection 5.5.3</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Graphic or lettering limited to 20% of the surface</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Inflatable Sign not including an</td>
<td>Commercial and Industrial Zones on developed and occupied Property</td>
<td>Refer to Section 5.9</td>
</tr>
<tr>
<td>Inflatable Sign advertising a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>holiday or festival</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## SCHEDULE “C” TO BY-LAW NO. 06-____

### Sign Provisions For Signs Requiring Permits

A permit shall be required for the following Signs:

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parapet Sign</td>
<td>Refer to Subsection 5.3.12</td>
<td>1 for each side of a building</td>
<td>15% of the parapet</td>
<td>-</td>
</tr>
<tr>
<td>Projecting Sign</td>
<td>Commercial Zones</td>
<td>1</td>
<td>1.0 m²</td>
<td>-</td>
</tr>
<tr>
<td>Billboard</td>
<td>Commercial and Industrial Zones on Vacant, undeveloped Property</td>
<td></td>
<td>Refer to Section 5.14</td>
<td></td>
</tr>
<tr>
<td>Mobile Sign</td>
<td>Refer to Subsections 5.6.25 and 5.6.26</td>
<td></td>
<td>Refer to Section 5.6</td>
<td></td>
</tr>
<tr>
<td>Banner not including a Banner erected, located or displayed by a Charity or community organization</td>
<td>Commercial, Industrial and Institutional Zones</td>
<td></td>
<td>Refer to Section 5.7</td>
<td></td>
</tr>
<tr>
<td>Sidewalk Sign not including a Sidewalk Sign on private Property</td>
<td>Commercial use</td>
<td></td>
<td>Refer to Section 5.8</td>
<td></td>
</tr>
<tr>
<td>New Home Development Ground Sign</td>
<td>Residential and Commercial Zones</td>
<td></td>
<td>Refer to Section 5.10</td>
<td></td>
</tr>
<tr>
<td>New Home Development Portable Sign</td>
<td>Residential and Commercial Zones</td>
<td></td>
<td>Refer to Section 5.11</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE “D” TO BY-LAW NO. 06-_____

By-law Laws Repealed by By-law 06-_____

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
Hamilton
New Sign By-law Study

Supplementary Report

Martin Rendl Associates

July 2006
Background

Planning and Economic Development Committee on June 22, 2006 held a public meeting on a proposed new Sign By-law for the City of Hamilton. The meeting was held pursuant to the Municipal Act to receive public input on the proposed new Sign By-law.

Committee directed that staff report back to Committee on several matters:

(a) Allowing special occasion mobile signs for a maximum of two one-week periods per calendar year announcing the opening or closing of a business;
(b) Allowing mobile signs for two 15 day periods as an alternative to one 30 day period;
(c) Allowing colour on mobile signs;
(d) Including horticultural nurseries, greenhouses and garden centres in the agricultural and rural signage provisions;
(e) The matters raised by HABIA including the removal of abandoned signs, limitations on posters, and the use of professional signs;
(f) Allowing changeable messages on projecting signs;
(g) Adjusting the placement and removal times for new home development portable signs.

This report addresses and comments on the foregoing matters.

Report

(A) Mobile Signs for Special Occasions

A mobile sign for a special occasion is intended to be a short term mobile sign located on a property for the purpose of announcing the opening or closing of a business. The Hamilton-Wentworth Mobile Sign Association (HWMSA) has proposed that a mobile sign for a special occasion be displayed only for one week and that a special occasion permit only be available when the allocation for mobile signs on a property at a given time is used by permits issued to other businesses. If a mobile sign permit is available for the property, no permit for the mobile sign for the special occasion is necessary since there is an opportunity to display the message on a mobile sign. The special occasion message can also be displayed on a banner in lieu of a mobile sign.

Recommendation

The proposed Sign By-law has been revised to provide for the display of a sign for a special occasion in the form of a mobile sign or a banner, subject to these regulations:

• A permit for a mobile sign for a special occasion shall only be issued when there is no mobile sign permit available for the property.
• The maximum display period for a mobile sign or banner advertising a special occasion is seven consecutive days.
• The mobile sign or banner for a special occasion only advertises a one-time opening or closing of a business.
• A business can obtain a permit for a special occasion for either a mobile sign or a banner but not both.

(B) Display Period for Mobile Signs

The proposed Sign By-law allowed a mobile sign to be displayed for a maximum of 30 days with a permit. A business could apply for a maximum of three 30 day mobile sign permits in a year.
The HWMSA has proposed to reduce the display period for a mobile sign to 15 days. This is intended to provide for more mobile sign permits and shorter display periods.

**Recommendation**

The proposed Sign By-law has been revised to double the potential number of sign permits available to a business on a property from three to six per calendar year. This is triple the number of mobile sign permits originally proposed in November 2005.

The maximum display period of a mobile sign with a permit has been correspondingly revised from 30 days to two 14 day periods for a maximum display period of 28 days. This revision of the permit period to 14 days creates more opportunities for more businesses in a plaza to have mobile signs throughout the year. A 14 day display period for a mobile sign permit is consistent with the By-law’s display periods for other temporary signs which are expressed in multiples of seven days. This consistency also promotes understanding of the regulations and easier By-law administration.

(C) **Colour on Mobile Signs**

The proposed Sign By-law limits the use of colour on mobile signs to white lettering on a black background or black lettering on a white background.

A number of Ontario municipalities currently regulate colour on mobile signs. Table 1 summarizes how several municipalities address colour on mobile signs in their current sign by-laws.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population (2001)</th>
<th>Mobile Sign Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stratford</td>
<td>29,676</td>
<td>Black and white. Fluorescent, neon, day glo or day bright colours are prohibited.</td>
</tr>
<tr>
<td>Ajax</td>
<td>73,753</td>
<td>Fluorescent portable signs are prohibited.</td>
</tr>
<tr>
<td>Oakville</td>
<td>144,738</td>
<td>Black and white only.</td>
</tr>
<tr>
<td>Vaughan</td>
<td>182,022</td>
<td>Use a single letter colour on a white or black background.</td>
</tr>
<tr>
<td>Kitchener</td>
<td>190,399</td>
<td>No part of a portable sign or its copy may contain material having fluorescence.</td>
</tr>
<tr>
<td>Markham</td>
<td>208,615</td>
<td>Lettering black and white only.</td>
</tr>
<tr>
<td>Brampton</td>
<td>325,428</td>
<td>Black on white or white on black.</td>
</tr>
<tr>
<td>Mississauga</td>
<td>612,925</td>
<td>Portable signs may have up to two lines of sign copy in which coloured copy may be displayed. Each line to be continuous with a maximum height of 30 cm and a company or corporate logo with a maximum area of 0.37 m². <strong>Note:</strong> This provision expires in October 2008, after which all sign copy will be black and white only.</td>
</tr>
<tr>
<td>Toronto</td>
<td>2,481,494</td>
<td>Black on white or white on black.</td>
</tr>
</tbody>
</table>

These municipalities enacted restrictions on the use of colour on mobile signs in the period from 1997 to 2005.
In practice, sign by-laws such as those of Kitchener and Ajax, that simply prohibit fluorescent colours are not effective. The use of the general term fluorescent creates ambiguity about what colour is actually prohibited. For example, when do hot red, yellow and pink become fluorescent? By comparison, sign by-laws that refer to black and white are more clear as to intent and leave no doubt as to what colours are permitted. These by-laws are straightforward to administer and understand. This is the approach taken by the majority of municipalities that regulate colour on mobile signs.

Where colour is regulated, the majority of municipalities limit colours to black or white. The City of Vaughan requires that all letters on the sign be any single colour on either a black or white background as illustrated above.

The City of Mississauga allows a limited amount of colour in the sign’s letters or graphic. A maximum of two lines on the mobile sign may be in colour as illustrated in the signs to the right.

In the case of Mississauga, this was enacted as a transition provision for mobile sign companies. It expires in October 2008 when mobile sign copy will be only black or white. In the interim, mobile signs can follow either approach.

Another element of colour on mobile signs is associated with the use of logos and graphics on the sign. In some cases, a mobile sign will display a colour graphic or a business logo that is in colour, as illustrated in the examples below.

Such graphics contribute to the appearance of the mobile sign and its message. A logo promotes business identification for the public.
Recommendation

The proposed Sign By-law has been revised to permit a maximum of one line of text (letters and numbers) on a mobile sign to be a single colour. In addition, graphics or business logos in colour on the sign may total a maximum of 10% of the sign area. In the case of a mobile sign of 4.5 m² (48 square feet), this corresponds to a graphic or logo of 0.45 m² or approximately five square feet.

This revision would result in approximately 25% of the area of a mobile sign containing both graphics and letters to be in colours other than black or white.

(D) Including Horticultural Nurseries, Greenhouses, and Garden Centres as Agricultural Uses

The proposed Sign By-law provides for various signs associated with agricultural uses. As proposed, such uses would not require a permit for a sign but the sign must comply with the Sign By-law's regulations on size and other aspects of the sign.

The intent of the Sign By-law is to exempt agricultural uses from a sign permit provided the sign is associated with a use carried out in the general field of agriculture. As described in Report No. 2, agricultural uses include uses such as farming, field crops, tree and shrub farms, orchards, apiaries, the growing of berry or bush crops, animal husbandry, the raising of livestock.

These are generally the types of activity defined as agricultural in the Stoney Creek, Dundas, Glenbrook, Ancaster, and Flamborough Zoning By-laws. They primarily involve the growing of crops, raising of livestock, and production of agricultural products. The sale of products produced on the premises of the agricultural operation and use is an incidental not primary use of the premises.

A use located in a rural area selling agricultural produce or products not produced on the premises is a commercial use not an agricultural use. The distinction between such uses is based on where the product being sold is grown and this is the approach taken in the current Zoning By-laws.

The intent of the Sign By-law is to have signage provisions generally correspond with land use and zoning, e.g., agricultural, commercial, industrial. With respect to agricultural uses, the intent is to address the signs of agricultural uses differently from other types of uses in rural areas such as commercial uses with respect to the need for a sign permit. The intent is to continue to acknowledge the signage needs of an agricultural use which are signs to identify the property as an agricultural use and signs associated with the incidental sale of agricultural produce and products raised on the premises, e.g., the sale of seasonal produce.

Garden centres are commercial uses. They are not agricultural uses because they do not grow their products on the premises. The plants and nursery stock sold in a garden centre are generally grown elsewhere in nurseries. While a garden centre may have greenhouses, these are generally for the protection of plants during sale rather than the growing of plants. The presence of a greenhouse does not make a garden centre an agricultural use.

Based on the foregoing, agricultural uses include horticulture (the growing of fruits, vegetables, plants, and flowers) but not garden centres. As such, agricultural uses are exempt from sign permits but all commercial uses must comply with all Sign By-law requirements.
(E) HABIA Comments

(I) No Unprofessional or Amateur Signs be Permitted Through Licensing

The Sign By-law regulates the physical aspects of a sign (e.g., size, location, height). There are no objective criteria for determining a sign is unprofessional or amateur. The production quality of a sign is not addressed in sign by-laws except indirectly with respect to satisfying Building Code requirements and other safety and maintenance matters.

The City’s licensing powers for businesses regulate the operation of the business not whether the signs it uses or produces are considered unprofessional or amateur.

(ii) Remove Abandoned Signs No Later Than Six to Twelve Months

HABIA suggests the removal of a sign that no longer advertises an active business be removed withing six to twelve months of the premises being vacant or unoccupied.

Further review of the abandoned sign provision of the initially proposed Sign By-law has identified an unintended outcome. For example, if a building became vacant and was for sale or lease, it could require the removal of an existing ground or wall sign. This is not reasonable since the next occupant would likely use or modify the existing ground or wall sign.

The intent of the Sign By-law is to ensure that signs are maintained during the period that a property is vacant or unoccupied rather than requiring them to be removed until the property is again occupied. The proposed Sign By-law includes provisions whereby the City can require the removal of a sign that is not maintained in a proper state of repair or has become unsafe, structurally inadequate or faulty, or a hazard.

Recommendation

The proposed Sign By-law has been revised to allow existing signs to remain on a property when it is unoccupied but still requiring that the signs be maintained in a safe and proper state of repair.

(iii) Posterbing

HABIA would like commercial signage not to be permitted at designated poster locations, allow only one event per poster rather than a series of events, and shorten the time limit for posters to 7 days before an event and 3 days after the event.

Posters are temporary notices and can include commercial signs. Given the decision of the Supreme Court of Canada on the importance of posting in a democratic society, the Sign By-law should not prohibit commercial posters but require compliance with poster size and display period regulations.

The number of events listed on a poster does not alter the poster’s maximum display period of 21 days. It could not be displayed for three months as HABIA has suggested. If a poster lists several events, one of which occurs 21 days after the posting of the poster, the poster must still be removed before that event because the 21 display period will have expired. The poster can be displayed for 21 days in total or up to 3 days after the event, whichever is shorter.
The 21 day maximum display period together with a removal date tied to the date of the event provides sufficient flexibility for the posting of posters while limiting the display period.

**Recommendation**

The proposed Sign By-law has been revised to change the removal time for a poster to within three days after the event as suggested by HABIA.

(F) **Changeable Message Area on Projecting Signs**

It was suggested at the public meeting that projecting signs be permitted to consist of changeable copy on the sign. The proposed Sign By-law currently only permits changeable copy on mobile signs or on portions of ground signs.

Currently some wall and projecting signs in Hamilton do contain changeable copy as part of the sign. This reduces the need for portable signs and consolidates messages in a permanent sign. It creates additional advertising opportunities for businesses by incorporating changeable copy into the permanent signs of the businesses.

**Recommendation**

The proposed Sign By-law has been revised to permit changeable copy to be included on a projecting or wall sign, in addition to a ground sign and mobile sign. With this change, all of the major permanent signs typically used by businesses (ground, wall, and projecting signs) can include changeable copy.

(G) **Adjusting the Display Period for New Home Development Portable Signs**

The Hamilton Halton Home Builders' Association requested that the display period for portable home builder signs be increased by moving the start and end times outside rush hour periods. The proposed Sign By-law did not allow such signs to be displayed before 7:00 p.m. on a Friday and required removal of the sign by 6:00 a.m. on the following Monday.

**Recommendation**

In the revised Sign By-law, these times have been changed to noon on Friday and noon on Monday. This shifts the start and end periods for the display of home builder signs outside rush hour periods making it easier and safer to comply with the regulations for display periods.