Memorandum

Date: May 31, 2006

To: Chair and Members
   Planning and Economic Development Committee

From: Carolyn Biggs
      Legislative Assistant

Subject: Sign Study and By-law – Final Report (PED05172(a)) (City Wide)

Attached hereto is Report PED05172(a) respecting the Sign Study and By-law – Final Report. This report is included in this agenda for information purposes only to allow all interested parties the opportunity to review the information contained in the report.

A special meeting of the Planning and Economic Development Committee is scheduled for Thursday, June 22, 2006, at which time the recommendations contained in the report will be before the Committee for consideration.

A copy of the Sign By-law Study Final Report as prepared by Martin Rendl Associates is attached to Report PED05172(a), and is also available electronically on the City’s website.

:cab.
Attach.
SUBJECT: Sign Study and By-law - Final Report (PED05172(a)) (City Wide)

RECOMMENDATION:

a) That the Sign By-law Study Final Report prepared by Martin Rendl Associates (hereinafter referred to as the “Study”), dated May 2006 and attached to Report PED05172(a) as Appendix A be received;

b) That the proposals for regulating signs in Hamilton, as found in the Study, be approved;

c) 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;

d) 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;

e) 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;

f) 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;
g) 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;

h) 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;

i) 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;

j) That the draft by-law attached as Appendix “A” to the Sign By-law Study Final Report, be passed and enacted.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

Since amalgamation in 2001, the City has in excess of a dozen existing By-laws regulating signs in the City of Hamilton. In 2005 a consultant was hired to conduct a Sign Study and provide the City with a new draft Sign By-law. This Study was carried out over the past year and a Proposals Report was submitted to Council in December 2005.

Council directed that the Proposals Report be presented at another series of Public Consultation Sessions. Those consultation sessions were conducted during January and February this year. Having regard the information heard at these sessions and following a review of the material received from numerous submissions, the Final Report and draft By-law was prepared and is now submitted to Council for approval.

BACKGROUND:

As reported in November 2005, on January 1, 2001 the Towns of Ancaster, Dundas and Flamborough, the Township of Glanbrook and the Cities of Hamilton and Stoney Creek were amalgamated and became the new City of Hamilton. Since amalgamation, the Sign By-laws of each of the former municipalities throughout the “New” City of Hamilton (City) had not been harmonized and sign regulations continue to differ in each of the former municipalities.
A new Sign By-law in clear language and design format was needed:
- 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 Transition Board secured funding from the Province by way of one-time transition grant for a comprehensive review of the Sign By-law. The City was to undertake this review “in order to provide appropriate and consistent standards across the new City”.

**ANALYSIS/RATIONALE:**

Since amalgamation, the City has been providing service to the community and sign companies using the existing By-laws from each former municipality including the Region. The By-laws lack uniformity with respect to definitions, use of terminology and regulations. The current situation is inefficient to administer and has lead to very clear dissatisfaction with the public, business community and sign industry.

The proposed new By-law will cover all aspects of signage such as:

- **Portable/Temporary Signs**
  - Contractors Signs
  - Real Estate Signs
  - A-frame Signs
  - Mobile Signs
  - Inflatable Signs
  - New Home Builder Signs
  - Election Signs
  - Banners
- **Posters**
- **Tourist Oriented Directional Signage**
- **Permanent Signs on Private Property**
  - Ground Signs
  - Wall Signs
  - Projecting Signs
  - Roof Signs
  - Billboards
- **Signs on City Property**

The proposed new Sign By-law has been designed to achieve the following objectives:

- ensure public safety;
- facilitate aesthetic improvement of the City such that signage should be integrated with the architecture and landscaping not only to identify and inform, but also to complement and enliven the streetscape;
- provide commercial and industrial enterprises adequate, flexible means to identify themselves and their products or services, recognizing that the primary function of signage is to identify, rather than advertise;
- encourage and improve the quality of sign design;
• provide an easily understood and administered set of objective guidelines by which signs may be regulated; and,
• address the administration and enforcement.

**ALTERNATIVES FOR CONSIDERATION:**

An alternative to the comprehensive review and resulting Sign By-law Study Final Report and Draft By-law would be to do nothing and maintain the status quo. However, the serious discrepancies and disparities among the numerous By-laws illustrate that the current situation is not acceptable. The Public Consultation Sessions demonstrated the genuine interest and desire by all stakeholders, including the public, for a new By-law to address Hamilton’s current situation. A new modern By-law covering the entire City would be in the best interest of all.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

To address one of the major concerns of the public, the business community and the sign industry, one recommendation in the consultant’s report provides for two (2) new By-law Enforcement staff dedicated to proactive sign enforcement. These resources are a critical component of the entire package. Without adequate proactive enforcement, the By-law will not be effective. During the 14 public consultation sessions held over the past 12 months, the public, businesses and the sign industry representatives expressed serious concern about the current lack of enforcement. Their thinking was that strong proactive enforcement would provide a level playing field for the industry as well as provide the community with a more pleasant and satisfying appearance that they have been demanding.

The anticipated full-year cost for two (2) Sign By-law Enforcement staff complete with benefits, office equipment and vehicle operating costs is approximately $150,240. In addition, there will be a one-time cost of approximately $56,000 for the initial purchase of two vehicles and office equipment for the new staff.

Staff surveyed neighbouring municipalities with respect to sign fees, regulations, revenues, etc. to establish a reasonable volume that Hamilton can expect to experience. Assuming a proactive enforcement structure with permit fees and regulation requirements for signs as proposed in the new draft Sign By-law, the annual revenue derived through the Sign By-law Permit System is anticipated to be around $280,000.

Accordingly, the costs to operate the program in 2007 and beyond will be covered by the revenue generated through the permit process. For the balance of 2006, it is anticipated the funding will be available through year-end gapping.

Over and above the two By-law Officers required to proactively enforce the new By-law, 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, posterping policies and locations, implementation of a permit ‘stickering’ system, short form wording, etc. In addition, staff will be required to research and document existing situations with respect to their ‘legal non-conforming’ status. Considerable discussion and dealings 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 order for the above to occur in a smooth transition, this report recommends an effective By-law implementation date of February 1, 2007.

The proposed Sign By-law also addresses the issue of Postering. The Supreme Court of Canada has addressed this issue and determined it is a freedom of expression right that must be provided for in a municipality. However, unregulated postering leads to unsightly street corners and other locations. Consequently, the report proposes that Poster Kiosks and identified Postering locations be strategically placed throughout the city. The postering community have offered to work with staff to determine adequate locations. The BIAs also expressed support and wishes to be included in discussions dealing with number and locations. The recommendations direct the General Manager of Public Works to investigate the provision of kiosks including the installation and subsequent maintenance of an appropriate number of these devices along with the anticipated costs.

With respect to policing of postering as well as the smaller portable signs that appear on the boulevards and roadways, the City lacks sufficient resources to provide the level of service expected by the community, associations and businesses. This situation is not unique and has been addressed by several American communities. In Ontario the Town of Markham has attempted to address the resource issue as well. Markham has developed a “Sign Busters” Program whereby citizen volunteers are used to assist in the policing of the postering and smaller signs such as duct cleaning, house painting, etc. which appear on utility poles, traffic signal equipment, boulevards and medians. During our Public Consultation Sessions many of the public expressed a desire to assist the City in keeping public space free of these illegal signs.

The recommendation directs the General Manager of Public Works to investigate this program and report back with a possible implementation plan.

As Council may recall, there was concern about ‘grandfathering’ existing signs following approval of the Portable Sign By-law in 1997. Staff will be addressing each of these enquiries as they are raised. The Municipal Act generally provides that signs lawfully erected at the time the new By-law is passed, enjoy a type of legal non-conforming status. Consequently, each case must be and will be considered on its own merit.

**POLICIES AFFECTING PROPOSAL:**

New Zoning regulations for the Downtown were enacted in May 2005 and Sign Regulations were not included in the new Zoning By-law. However, a majority of the current Sign By-law for the former City of Hamilton still resides throughout the current Zoning By-law for the remainder of the City. Considerable effort will be required to extract all references to sign regulations and amend the Zoning By-law accordingly.

Some of the other policies affecting this proposal or reviewed for this study include:

- Hamilton Strategic Plan
Upon enactment of the new Sign By-law the existing Sign By-laws of the former communities and Region will be repealed. In addition, other By-laws such as The Streets By-law and Signs Over Sidewalks and Highways By-law will require minor amendments where they reference signs which will now be covered by the Sign By-law.

**RELEVANT CONSULTATION:**

An initiative of this magnitude requires the resources and skills of many people. A staff review team with representation from the following areas has been established to supply valuable information and expertise, as well as providing general over-sight to the project:

**Steering Committee**
- Tim McCabe, Director of Development and Real Estate
- Tom Redmond, Director of Building and Licensing
- Dan Mousseau, Co-ordinator, Sign By-law

**Staff Review Committee**
- Paul Mallard, Manager, Development Planning
- Joanne Leung, Planner, Urban Design
- Al Fletcher, Senior Project Manager, Development Planning
- Jorge Caetano, Manager, Building Construction
- Doug Rose, Manager, Standards and Licensing
- John Spolnik, Manager, Engineering and Zoning
- Paola Pianegonda, Supervisor, Municipal Law Enforcement - Building
- Robert Lalli, Building Engineer
- Ed Switenky, Acting Manager, Traffic Engineering and Operations
- Sue Russell/Ron Gallo, Traffic Engineering and Operations
- Ron Marini, Director, Downtown Renewal
- Jacqueline McNeilly, Development Officer, Economic Development
- John Turner, Roads Superintendent
- Patricia Smith, Researcher, Parks and Cemeteries
- Rob Norman, Manager, Open Space Development
- Don Fisher, Assistant Corporate Counsel
- Tina Iacoe, Manager, Purchasing
- Dan Mousseau, Co-ordinator, Sign By-law

Experience and Canadian Court rulings have shown that in order for any By-law to be relatively safe from Constitutional challenges, there must be extensive public and stakeholder consultation. In 2005, during July and August, seven (7) Public Consultation Sessions were held wherein an overview of the Sign Study was presented with those in
attendance providing their views, comments, thoughts and concerns with the current situation.

Council received the Proposals Report in December and another series of Public Consultation Sessions were held in January and February this year. At those sessions the Sign By-law proposals were presented and feedback was received.

In addition to the 14 scheduled Public Consultation Sessions, numerous meetings or speaking engagements were held with other stakeholders and organizations. These included:

- Hamilton Association of Business Improvement Areas [HABIA]
- Some Individual BIAs
- Hamilton-Halton Home Builders’ Association [HHHBA]
- Hamilton Chamber of Commerce and Chapters
- Stoney Creek Chamber of Commerce
- Ancaster Community Council
- Hamilton-Wentworth Portable Sign Association
- Realtor’s Association of Hamilton-Burlington
- Hamilton-Burlington Automobile Dealers’ Association
- Advisory Committee for Persons with Disabilities

As well, numerous letters, email, voice-mail and phone calls were received from interested parties who wished to provide their comments. These included the business community, sign companies and the general public.

An initiative of this size will have consequences City wide. There will be 'growing pains' as the By-law is applied. Situations will arise that were not anticipated or which are not addressed by the By-law. Consequently, staff recommends that the General Manager report back by June 2008 [about 17 months after enactment] on the application of the By-law including any recommendations for change.

**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. (1)
Hamilton
New Sign By-law Study

Report No. 2:
Final Report

Martin Rendl Associates
with
GSP Group
Entro Communications
WeirFoulds LLP

May 2006
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Draft Sign By-law 39
EXECUTIVE SUMMARY

The purpose of the New Sign By-law Study has been to prepare a single new comprehensive sign by-law for the City of Hamilton.

In December 2005, a Report No. 1 of the Study was submitted to Council describing proposals for the regulation of signs in Hamilton. In January and February 2006, a series of public consultation sessions was held across Hamilton to obtain public and stakeholder comment on the proposals.

This Final Report and draft sign by-law have been prepared based on the comments made at the community consultation sessions and in the submissions received in response to the earlier proposals.

The recommendations of the Final Report are outlined in the following sections. A draft sign by-law reflecting the recommendations is contained in Appendix “A” to this report.

<table>
<thead>
<tr>
<th>Recommendation 1</th>
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<tbody>
<tr>
<td><strong>Sign By-law Administration and Enforcement</strong></td>
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<tr>
<td>- Create two new staff positions of sign inspectors in the Building and Licensing Division with the responsibility for all sign permit approvals, inspections and enforcement.</td>
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<td>- Adopt a proactive approach to sign by-law enforcement.</td>
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<tr>
<th>Recommendation 2</th>
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<tbody>
<tr>
<td><strong>Licensing of Portable Sign Companies</strong></td>
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<tr>
<td>- Portable sign companies that rent signs to persons or businesses in Hamilton must be licensed by the City of Hamilton.</td>
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<tr>
<td>- Business license fee: $200.00 per year.</td>
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<tr>
<th>Recommendation 3</th>
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<tr>
<td><strong>Fees</strong></td>
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<tr>
<td><strong>Sign Permit Application Fees</strong></td>
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<tr>
<td>- Ground Signs, New Home Development Ground Sign $150.00 (2.5 m² or less in sign area); $250.00 (Over 2.5 m² up to 4.0 m²); $500.00 (Over 4.0 m²).</td>
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<tr>
<td>- Wall, Awning, Canopy and Projecting Sign: $250.00.</td>
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<td>- Advertising Sign: $500.00.</td>
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**Recommendation 3**

**Fees**
- Mobile Sign: $100.00 for 30 days.
- Sidewalk Sign: $75 per year per sign.
- Inflatable Sign: $50 for 7 days.
- New Home Development Portable Sign: $50 per sign per year.
- $100 per sign permit administration fee for any sign erected without a permit.

**Sign Variance Application Fees**
- $670.00 per application.
- $970.00 for a sign erected without a permit.

**Enforcement Fees**
- Removal of an Unlawful Permanent Sign: $200.00 or the actual cost of removing the sign, whichever is greater.
- Storage Charge for an Unlawful Permanent Sign: $50.00 per day.
- Removal of an Unlawful Mobile Sign: $200.00 or the actual cost of removing the sign, whichever is greater.
- Storage Charge for an Unlawful Mobile Sign: $50.00 per day.
- Removal of an Unlawful Portable Sign: $50.00 or the actual cost of removing the sign, whichever is greater.
- Storage Charge for an Unlawful Portable Sign: $50.00 per day.

**Recommendation 4**

**Sign Variance Applications**
- That Council delegate to staff the authority to approve applications for variances from the sign by-law.
- That applicants have the right to appeal the decision of staff to the Planning and Economic Development Committee.

**Recommendation 5**

**Signs on City of Hamilton Property**
- The provisions of the sign by-law apply to any sign erected on a City of Hamilton building and other associated signs.
- It is recommended that signs in City parks be regulated under the City of Hamilton Parks By-law and signs in cemeteries in the Cemeteries By-law.
Rec​ommendation 6  
Incidental Purpose Based Information Signs

<table>
<thead>
<tr>
<th>Contractor Identification Signs</th>
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<tbody>
<tr>
<td>No sign permit required.</td>
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<tr>
<td>Maximum size of 1.2 m² per sign face.</td>
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<tr>
<td>Maximum height 1.25 metres.</td>
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<tr>
<td>No illumination.</td>
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<tr>
<td>Erected only on the property during the period the contractor is performing the work</td>
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<table>
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<tr>
<th>Construction Information Signs</th>
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<tbody>
<tr>
<td>No sign permit required.</td>
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<tr>
<td>Maximum size 10.0 m²</td>
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<tr>
<td>Must be removed from the construction site within 30 days of project completion.</td>
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<tr>
<th>Real Estate Signs</th>
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<tbody>
<tr>
<td>No sign permit required</td>
<td></td>
<td></td>
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<tr>
<td>No illumination</td>
<td></td>
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<tr>
<td>No directional signs to the property for sale or rent are permitted on any other private property.</td>
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<tr>
<td>Signs must be removed from the property within 7 days after a firm sale is reported to the local realtors association or 7 days after the property or space has been leased.</td>
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<tr>
<td>One real estate sign for each street line of the property.</td>
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</table>

**Residential: Single detached to townhouse dwellings**

- Real estate sign: Maximum size of 1.0 m² per sign face.
- Only erected on the property listed for sale or rent.
- Open house directional sign: Maximum 0.5 m² per sign face.
- Open house directional sign permitted on the public road allowance excluding any trafficmedian or island and not on any utility pole.
- Open house directional sign located no closer than 0.3 metres from the pedestrian sidewalk or the vehicular traveled portion of the road.
- Open house directional sign display period: between 10 a.m. and 6 p.m. the day of the real estate open house.

**Apartment Building**

- Maximum size 4.0 m²
- Only permitted on the property that is for sale or lease.

**Commercial and Industrial**

- Maximum size 4.0 m²
- Only permitted on the property that is for sale or lease.
### Recommendation 7
#### A-Frame and Sidewalk Signs

- Annual sign permit only required for sidewalk sign.
- Validation marker issued by the City to be displayed on the sidewalk sign or displayed in the store window.
- No more than 0.6 metres in width and 0.8 metres in height.
- No illumination, animation, or device that creates noise or motion.
- Display of A-Frame and sidewalk sign only permitted during the hours the business is open and operating.
- A-Frame sign must be located against the front wall of the business it is advertising.
- Sidewalk sign located on the sidewalk adjacent to the curb or against the building and opposite the business provided the sidewalk sign maintains at least 1.5 metres of unobstructed sidewalk space and does not conflict with any urban braille system on the sidewalk.
- Any sidewalk sign on the public road allowance must satisfy City’s general liability insurance requirements.
- A-Frame sign not permitted on lands that are vacant or lands zoned for residential uses with the exception of mixed-use zoning.

### Recommendation 8
#### Mobile Signs

- Sign permit required.
- Sign permit application must include property owner’s authorization.
- Sign permit validation marker issued by the City to be displayed on the sign.
- Name and phone number of the company owning the sign must be displayed on the sign.
- Mobile sign may be located only on private property zoned and used for commercial, industrial, or institutional uses.
- No mobile sign is permitted on vacant property.
- Mobile sign must be related to a business or occupancy located on the same property.
- Maximum of two mobile signs permitted any time on a property provided a minimum separation of 50 metres is maintained between any mobile signs on the property.
- Each business on a property is permitted a maximum of 3 mobile sign permits per calendar year, each permit valid for 30 consecutive days maximum.
- A hiatus period of 15 consecutive days must pass between permits before a new permit can be issued for a mobile sign on the property.
- Where a mobile sign has two sign faces, two separate businesses may share the sign, each business using one sign face with a permit.
- Maximum size 4.4 m² per sign face, maximum two sign faces.
**Recommendation 8**

**Mobile Signs**

- No one dimension more than 2.4 metres, maximum height of 2.7 metres from grade for the entire mobile sign structure.
- For institutional uses maximum size 1.8 m², maximum two sign faces, maximum height 2.0 metres from grade.
- No illumination, animation, or device that creates noise or motion.
- Sign lettering will be white on black background or black on white background.
- Mobile sign shall not be located within 10.0 metres of a ground sign.
- Mobile sign shall not be located within 15.0 metres of an intersection or traffic signal, 3.0 metres of a driveway entrance or exit or the side lot line of a property.
- Mobile sign shall be located a minimum 1.5 metres from a street line and shall not obstruct a visibility triangle.
- No mobile sign shall be located in any parking space required under a zoning by-law.
- Owners of properties with multiple business tenancies or occupancies are encouraged to prepare a mobile sign location master plan to streamline sign permit approvals.
- Mobile signs are not permitted in Hamilton’s Downtown Community Improvement Area, a Business Improvement Area, and the Ancaster Village Core Area.

**Inflatable Signs**

- Require a sign permit as a portable sign.
- Sign application must provide details of location and how sign is anchored to the ground or tethered to its base.
- Maximum display period: Seven days, non-renewable permit.
- Maximum 2 permits per calendar year per business.
- Maximum 7 metre height and 6 metre width.
- Located a minimum 50 metres from a mobile sign.

**Recommendation 10**

**New Home Development Signs**

**New Home Development Portable Signs**

- Require a permit, good for one year.
- Validation marker issued by the City to be displayed on the sign.
- Maximum 1.2 metres in height.
- Maximum size of 1.2 m² per sign face, two sign faces maximum.
- No illumination, animation, or device that creates noise or motion.
Recommendation 10

New Home Development Signs

- Maximum 3 signs permitted on each corner of an intersection, 1 per builder.
- Maximum 10 signs for each development.
- Not located on a sidewalk, traffic island or median or attached to a light standard or utility pole.
- Not located closer than 1.5 metres to the curb or the edge of the traveled portion of the roadway where there is no curb.
- Not located within 3.0 metres of a driveway entrance or exit and shall not in any way obstruct the line of sight of the intersection, driveway entrance or exit by any pedestrian or driver.
- Period of display is no earlier than 5:00 p.m. on a Friday to no later than 7:00 a.m. the immediately following Monday. Period of display extended when Friday or Monday is a statutory holiday.
- Satisfies the City’s general liability insurance requirements.

New Home Development Ground Signs

- Permit required.
- Maximum sign area: 18 m².
- Maximum 2 new home development ground signs per subdivision and up to 2 signs outside the subdivision on private property with the approval of the owner of the property.
- Maximum of one model home sign per model home within the subdivision.
- Maximum sign area: 3.0 m².

Recommendation 11

Election Signs

Election Signs

- No permits required.
- Election signs permitted only on private property.
- Maximum size 1.5 m² for each sign face
- Election signs for a federal or provincial election shall not be erected earlier than the date the writ of election is issued.
- Election signs for a municipal election shall not be erected earlier than 28 days prior to voting day.
- All election signs shall be removed no later than three days following the voting day.
**Recommendation 12**

**Banners**

- Require a sign permit when located on private property.
- Maximum display period: 30 days, non-renewable permit.
- Maximum 2 permits per calendar year per business.
- Maximum dimensions of 6 metres by 1 metre, maximum area 6 m².
- A banner advertising a special event and erected by a charitable or community organization may be located on a fence adjacent to a street where the owner has granted permission and does not require a permit.
- Maximum display period 14 days before the event and must be removed within 2 days after the event.

**Recommendation 13**

**Posters**

- No permit required.
- Only permitted on an approved poster sleeve or community information kiosk.
- Paper or cardboard only, maximum size of 22 cm by 28 cm.
- Only affixed by tape.
- Maximum one poster for each event or announcement on each poster sleeve or community information kiosk.
- Maximum display period for poster is 21 days or not more than five days after the end of the advertised event, whichever is shorter.
- City may periodically remove any poster without notice to the person or organization.

**Recommendation 14**

**Tourism Oriented Destination Signage**

- It is recommended that the City continue to regulate TODS under the City’s current policy.

**Recommendation 15**

**Signs in Agricultural and Rural Areas**

- The signs erected by a non-profit agricultural society for an event or fair it operates are exempt from the sign by-law but must comply with the traffic and pedestrian safety standards of the City of Hamilton.
Recommendation 15
Signs in Agricultural and Rural Areas

- Signs associated with an agricultural use and located on the same property as the use do not require a sign permit provided that any ground sign identifying the agricultural use is a maximum of 3 m² in area. Agricultural use includes farming, field crops, forestry, tree and shrub farms, orchards, apiaries, the growing of berry or bush crops, animal husbandry, dog kennels, the breeding, boarding or sale of dogs and cats, an animal hospital, riding stables or academies, the raising of livestock, and uses or enterprises that are customarily carried out in the field of general agriculture.
- Signs advertising the sale of seasonal farm produce including pick-your-own produce and Christmas trees, primarily grown on the farm where the produce is sold do not require a permit.
- Off-site signs related to the sale of seasonal farm produce does not require a permit but must be erected with the written permission of the owner of the property where the sign is erected.

Recommendation 16
Adult Entertainment Parlour Signs

- It is recommended that the City continue to regulate the signs of adult entertainment parlours through the City of Hamilton Licensing Code.

Recommendation 17
Ground Signs

- One ground sign for each frontage on a public street.
- Minimum 200 metre spacing between any two ground signs parallel to a street frontage on a property.
- Maximum ground sign area 0.3 times the lot frontage on which the sign is located to a maximum area of 18 m² for each sign face.
- Maximum ground sign height: 3.5 metres for a ground sign less than 4.0 m²; 6.0 metres for a ground sign 4.0 m² to 6.0 m²; 7.5 metres for a sign over 6.0 m² in area.
- Each ground sign shall display the municipal street address number in numerals that are a minimum 15 cm in height.
- A maximum of 50% of the permitted area of the sign face of a ground sign may contain changeable lettering or copy.
- The intensity of illumination of electronic characters within the read-o-graph portion of a ground sign shall be at a constant level and the message shall be displayed for a minimum of 3 seconds.
Recommendation 18
Wall Signs
- Maximum sign area: 15% of the building elevation on which the sign is erected.
- A mural is a wall sign, may not contain any advertising, and its sign area cannot exceed 50% of the building elevation on which the mural is located.
- The maximum sign area for a parapet sign is 15% of the parapet on which the sign is erected.
- A parapet sign shall include only the logo or name of a company and be limited to one identity sign per side of a building.

Recommendation 19
Canopy and Awning Signs
- Graphic or lettering limited to a maximum 20% of the surface of the awning.
- Minimum 2.5 m clearance from grade.

Recommendation 20
Window Signs
- Maximum sign area: 50% of the window surface.

Recommendation 21
Projecting Signs
- Maximum sign area: 1.0 m².
- Minimum 2.5 m clearance from grade.
- Permit holder satisfies the City’s general liability insurance and encroachment agreement requirements.

Recommendation 22
Roof Signs
- Roof signs are prohibited.
- Existing legally erected roof signs may remain as legal non-complying signs.
Recommendation 23
Advertising Signs

- Only permitted on vacant undeveloped property zoned commercial or industrial.
- Not permitted in Hamilton’s Downtown Community Improvement Plan or on lands located within 400 metres of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Creek Expressway.
- Maximum sign area: 18 m² per sign face.
- Maximum height: 18 metres.
- Spacing: Minimum 300 metres to another advertising sign; Minimum 300 metres from any residentially zoned property.
- No animation.
- New advertising signs must be vertical posters.

Recommendation 24
Menu Boards

- It is recommended that menu boards in the City of Hamilton be regulated through the site plan approval process and zoning by-law if necessary.

This report describes an implementation strategy for the new sign by-law.

The effective date of the new sign by-law would be February 1, 2007. This will provide sufficient time for the public and businesses to become familiar with the new sign by-law. In the interim, City staff will put into place the procedures necessary to implement the new sign by-law.

The draft sign by-law contains transition provisions delaying the coming into force of some regulations to give those affected the time to adjust to the new regulations. A program of public education is recommended to promote awareness and understanding of the new sign by-law.
PART 1: BACKGROUND

1. Introduction

The City of Hamilton in 2005 began a comprehensive review of the more than one dozen existing sign by-laws currently regulating signs across Hamilton. The objective of the sign by-law review is to replace these by-laws with one new sign by-law that provides appropriate and consistent standards across the City of Hamilton.

In December 2005, Council received Report No. 1: Proposals of the Hamilton New Sign By-law Study. The report described a framework for the new sign by-law, proposed new sign regulations, and presented proposals for improvements to the City’s administrative and enforcement processes related to the City’s sign by-law.

This Report No. 2: Final Report is the last report of the Hamilton New Sign By-law Study. The purpose of this report is to review the comments received on the earlier sign proposals and present the final recommendations of the Hamilton New Sign By-law Study. A draft sign by-law is presented in Appendix “A” of this report that corresponds with the report’s recommendations.

To ensure a full understanding of the background to the recommendations in this final report and sign issues in Hamilton, the reader should have regard to the study’s earlier Report No. 1: Proposals.

2. Community Consultation on the Sign Proposals

Council in December 2005 directed that the proposals for new sign by-law regulations be presented at Community Consultation Sessions. Subsequently, a series of meetings was held across Hamilton to give the public and businesses opportunities to comment on the proposals for a new sign by-law.

Public meetings were held in each of the former Hamilton communities for a total of seven meetings. Information on the proposals for new sign by-law regulations was presented. The public and businesses provided comments on the proposals.

Interest specific meetings were also held with the following stakeholders:

- Hamilton-Wentworth Portable Sign Association;
- Hamilton-Halton Home Builders’ Association;
- Hamilton Agriculture and Rural Affairs Committee;
- Stoney Creek Chamber of Commerce;
- Hamilton Chamber of Commerce;
These meetings provided specific stakeholder groups with additional opportunities to comment on the sign by-law proposals as they apply to their interests.

The business community, sign companies and general public that were not able to attend meetings, also commented on the proposals by contacting the City directly by phone, email or letters.

The local media reported on aspects of the sign proposals as the study progressed. The sign by-law proposals were also the subject of discussion on two local call-in shows on radio and television.

During the public consultation on the sign proposals of Report No. 1, the strongest response against the proposals came from the Hamilton-Wentworth Portable Sign Association and the Hamilton Agriculture and Rural Affairs Committee. With respect to the general public, persons attending meetings in Hamilton’s rural communities expressed the greatest concerns about the proposals and the regulation of signs by the City.

Support for the proposals with suggestions for minor changes or additions was received from the Hamilton-Halton Home Builders’ Association, the Hamilton Association of Business Improvement Areas, and the Realtors Association of Hamilton-Burlington.

The recommendations of this report had regard for the comments of these groups.

The balance of this report consists of the following parts:

- Part 2: Main Comments Received on the Sign Proposals;
- Part 3: Recommendations;
PART 2: MAIN COMMENTS RECEIVED ON THE SIGN PROPOSALS

Part 2 of this report discusses the main comments received in written submissions from stakeholders responding to the sign proposals of Report No. 1. Other submissions received are referred to in Part 3 in connection with the recommendations for specific sign types.

1. Mobile Signs

The Hamilton-Wentworth Mobile Sign Association (HWMSA) consists of ten sign companies operating in Hamilton. The association was formed during the course of the Hamilton New Sign By-law Study.

The HWMSA supports the need for a new Hamilton sign by-law that will eliminate visual clutter, ensure public safety, and establish appropriate standards for mobile signs. It believes Hamilton’s existing sign by-laws have been unsuccessful, primarily due to lack of enforcement by the City.

The HWMSA submits that the affordable road side advertising that the mobile signs their members provide is crucial to the success of small businesses in Hamilton. The Association believes an overly restrictive sign by-law would lead to cut backs by small businesses and result in many small businesses leaving Hamilton for better opportunities in other communities with less restrictive sign by-law regulations for mobile signs.

The HWMSA in March 2006 submitted a counter proposal to the mobile sign proposals contained in Report No. 1. Table 1 outlines the HWMSA counter proposal for the regulation of mobile signs and the corresponding regulation proposed in the earlier Report No. 1 of the Hamilton Sign By-law Study.

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<th>Table 1</th>
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<tr>
<td><strong>HWMSA Counter Proposal</strong></td>
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<tr>
<td>1. Sign Permit Fees: $30.00 per month or $1.00 per day. Implement pre-authorized payment for permits using a fax in fax back schedule as done in Burlington or the option to make “bundle permit purchases” as in Oakville.</td>
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<td>2. Sign permit application must include authorization of the property owner, manager, or agent.</td>
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10. Where the mobile sign has two sign faces, two separate businesses may share the sign but only one permit fee would apply. The permit is issued for the sign not the content.

11. The maximum size of a mobile sign face should be 5.6 m\(^2\) with a maximum of two faces per sign.

12. No one dimension of the mobile sign is to be greater than 3.05 metres, a maximum height of 2.7 metres from grade for the entire mobile sign structure.

13. For an institutional use, one mobile sign is permitted at any one time, with a maximum size of 1.8 m\(^2\), a maximum of two sign faces, and a maximum height of 2.0 metres from grade.

14. No illumination, animation or device that creates noise or motion.

15. Sign letters should be full colour as a one colour restriction would more than minimally impair the right of local businesses to freedom of commercial expression. The HWMSA believes such a restriction is an inappropriate infringement of the Canadian Charter of Rights. The HWMSA believes that aside from creating a monotonous, indistinguishable landscape of signs, this change would reduce the conspicuity of mobile signs and may increase driver distraction.

| Table 1 |
|-----------------|------------------|
| HWMSA Counter Proposal | Hamilton Sign By-law Study Report No. 1 Proposal |
| 10. Where the mobile sign has two sign faces, two separate businesses may share the sign but only one permit fee would apply. The permit is issued for the sign not the content. | Same, except two sign permit fees would apply. |
| 11. The maximum size of a mobile sign face should be 5.6 m\(^2\) with a maximum of two faces per sign. | Maximum size 3.7 m\(^2\). |
| 12. No one dimension of the mobile sign is to be greater than 3.05 metres, a maximum height of 2.7 metres from grade for the entire mobile sign structure. | Maximum dimension 2.4 metres, maximum height of 2.7 metres. |
| 13. For an institutional use, one mobile sign is permitted at any one time, with a maximum size of 1.8 m\(^2\), a maximum of two sign faces, and a maximum height of 2.0 metres from grade. | Same. |
| 14. No illumination, animation or device that creates noise or motion. | Same |
| 15. Sign letters should be full colour as a one colour restriction would more than minimally impair the right of local businesses to freedom of commercial expression. The HWMSA believes such a restriction is an inappropriate infringement of the Canadian Charter of Rights. The HWMSA believes that aside from creating a monotonous, indistinguishable landscape of signs, this change would reduce the conspicuity of mobile signs and may increase driver distraction. | Sign lettering white on black background or black on white background. |
Mobile signs should not in any way obstruct any ground sign on a property.

A mobile sign should not be located within 9.0 metres of an intersection, 3.0 metres of a driveway entrance or exit or the side lot line of a property.

A mobile sign should be located a minimum of 1.5 metres from a street line, 10 metres from any traffic control device. It should not obstruct the line of sight of any intersection, driveway entrance or exit for any pedestrian or driver.

A mobile sign may be located in a parking space provided the mobile sign does not impede or obstruct the parking of a motor vehicle or is located in a required parking or maneuvering area, as determined by the property owner/manager with due regard to the minimum parking and maneuvering requirements of the City of Hamilton.

Owners of properties with multiple business tenancies or occupations have concerns about preparing a mobile sign location master plan to streamline sign permit approvals. This inadvertently causes conflict among tenants which are rarely resolved by the property owner/manager.

Mobile signs are not permitted in Hamilton’s Downtown Community Improvement Project Area.

<table>
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<tr>
<td>16.</td>
<td>Mobile signs should not in any way obstruct any ground sign on a property.</td>
<td>Mobile sign must be 10 metres from a ground sign.</td>
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<td>17.</td>
<td>A mobile sign should not be located within 9.0 metres of an intersection, 3.0 metres of a driveway entrance or exit or the side lot line of a property.</td>
<td>A mobile sign should not be located within 15.0 metres of an intersection, 3.0 metres of a driveway entrance or exit or the side lot line of a property.</td>
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<td>18.</td>
<td>A mobile sign should be located a minimum of 1.5 metres from a street line, 10 metres from any traffic control device. It should not obstruct the line of sight of any intersection, driveway entrance or exit for any pedestrian or driver.</td>
<td>Same.</td>
</tr>
<tr>
<td>19.</td>
<td>A mobile sign may be located in a parking space provided the mobile sign does not impede or obstruct the parking of a motor vehicle or is located in a required parking or maneuvering area, as determined by the property owner/manager with due regard to the minimum parking and maneuvering requirements of the City of Hamilton.</td>
<td>Mobile sign cannot be located in a parking space required for unobstructed parking by a zoning by-law.</td>
</tr>
<tr>
<td>20.</td>
<td>Owners of properties with multiple business tenancies or occupations have concerns about preparing a mobile sign location master plan to streamline sign permit approvals. This inadvertently causes conflict among tenants which are rarely resolved by the property owner/manager.</td>
<td>Preparation of a mobile sign location master plan for multiple occupancy properties is encouraged not required. The master plan designates standard locations for mobile signs on the property.</td>
</tr>
<tr>
<td>21.</td>
<td>Mobile signs are not permitted in Hamilton’s Downtown Community Improvement Project Area.</td>
<td>Same.</td>
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</table>
Any person or business in Hamilton wishing to erect any form of roadside advertising must be licensed by the City. A business license fee is $500.00 per year. A licence will only be granted when proof of liability insurance is provided.

$185.00 licensing fee and the business must meet City requirements including liability insurance.

Mobile signs may be prohibited in designated heritage areas.

Not addressed by proposals. Designated heritage areas are primarily residential areas where mobile signs are not permitted.

The HWMSA put forward 23 counter proposals, seven of which correspond completely with the proposals made in Report No. 1 of the Hamilton Sign By-law Study.

The major differences between the two sets of proposals are in these areas: number of mobile signs per property, spacing between mobile signs, length of time a mobile sign can be displayed, the colour of lettering on a mobile sign, the locations on private property where a mobile sign may be erected, and the size of a mobile sign.

(a) Number of Mobile Signs Per Property

The intent of the new sign by-law is that permanent wall signs and ground signs are the main signs a business uses to identify itself to the public and customers. Temporary signs such as mobile signs are intended to be displayed for short periods of time. They should not be relied on by a business to take the place or role of permanent signs. Temporary signs are intended to provide a temporary message to customers such as a sale or business promotion and should be used for this role.

It is recognized that some businesses benefit from posting changeable messages on signs. The new sign by-law will permit a portion of the area of a ground sign to contain space for a changeable message. This area provides space on a permanent ground sign for a business to post a message that the business can change when and as it requires.

It is recommended that up to 50% of the permitted area of a ground sign be permitted to contain changeable copy. This recommended percentage of sign area is among the highest in municipal sign...
by-laws and is intended to encourage the posting of changeable copy on permanent ground signs, thereby reducing the need for mobile signs on a property. The by-law would also permit a mobile sign on a property with a ground sign containing changeable copy as part of its sign area.

With respect to the number of mobile signs on a property, it is recommended that a maximum of two mobile signs be permitted on a property at the same time subject to a minimum separation between signs. This is double the number of mobile signs other comparable municipalities such as Brantford, Burlington, Cambridge, Grimsby, Markham, and Vaughan permit on a property.

In order to provide an opportunity for all businesses in a multiple tenancy commercial plaza or industrial project to display mobile signs, each business should be limited to a maximum of three mobile sign permits per calendar year. This measure prevents one or a few businesses monopolizing the opportunities available to display mobile signs on a property during the year. A business cannot transfer its permit to another business on the property.

(b) Spacing Between Mobile Signs

Hamilton’s current sign by-laws contain separation distances between mobile signs on a property that range from 23 metres to 50 metres.

It is recommended that the minimum spacing between mobile signs be reduced from the 100 metres as originally proposed in Report No. 1 to a spacing of 50 metres between mobile signs. This change from the earlier proposals to a reduced separation between mobile signs permits more and smaller properties to have mobile signs as a result of the reduction of the separation distance between mobile signs from 100 to 50 metres.

(c) Length of Time a Mobile Sign Can Be Displayed

A mobile sign should be displayed for a temporary period of time in keeping with the intent of the sign by-law that it be a temporary not permanent sign. There should also be a hiatus period on a property during which no mobile sign is displayed in order that clear visual breaks occur in the display of such temporary signs on a property.

The HWMSA proposes that each business be able to obtain nine 30 day mobile sign permits in a year. The business could combine three 30 day permits to achieve 90 days of consecutive display of its mobile sign.

The HWMSA proposal would allow a mobile sign to be potentially displayed on a property for 270 days each calendar year. This nine month period would consist of three 90 consecutive day displays for a
mobile sign with a 30 day hiatus between each 90 day display period in the year. During this hiatus, another business on the property could display a mobile sign either for 30 days with a permit or start a 60 or 90 consecutive day display of a mobile sign.

The HWMSA’s proposed time periods for the display of mobile signs generally exceed the display periods of Hamilton’s current sign by-laws for mobile signs in commercial or industrial areas. These are the areas where mobile signs are most commonly used by businesses.

The HWMSA has proposed 90 consecutive days of display for a mobile sign. Current mobile sign display periods in consecutive days are: Flamborough - 28 days; Dundas - 30 days; Stoney Creek - 30 days; Ancaster - 42 days; Hamilton - 60 days; Glanbrook - 180 days.

With regard to the HWMSA’s proposal for a business being able to display a mobile sign for 270 days of cumulative display per year, this is a greater period of display than the current by-laws permit. The current annual display limits are: Ancaster - 42 days per calendar year; Dundas - 30 days; Flamborough - 112 days; Glanbrook - 180 days; Hamilton - 180 days.

The HWMSA proposes to limit the number of mobile signs that can be displayed on a property at the same time to three per frontage, subject to a 30 metre separation between signs. For a typical retail plaza on the corner of two streets with 200 metres of frontage on each street, under the HWMSA proposal six mobile signs could be displayed on the plaza at any one time, three along each street frontage.

The HWMSA proposals would generally allow mobile signs to be displayed on properties for longer periods of time than Hamilton’s current sign by-laws now permit.

The amount of time mobile signs could be displayed on properties in Hamilton produced by the HWMSA proposals would generally result in more mobile signs on properties for longer periods than is permitted under Hamilton’s current sign by-laws.

It is recommended that a mobile sign be displayed for a maximum of 30 days under a permit, and that there be a 15 day hiatus from the expiry of any permit on a property before another mobile sign permit can be issued for the same property. These measures along with a limit of three mobile sign permits per business each calendar year facilitate all businesses located in a plaza or industrial project having an opportunity to display a mobile sign on the property.

(d) Colour of Lettering on Mobile Signs

Mobile signs originally contained lettering of one colour, generally black letters on a white background. In an effort gain a visual advantage and stand out from other signs and their surroundings, some sign
companies began to switch to multi-coloured and fluorescent lettering. This trend has since became widespread and at present, almost all mobile signs in Hamilton contain primarily fluorescent lettering. The letters are often in a mix of colours such as red, pink, orange, green, and yellow. Fluorescent lettering now seems to have become the norm for mobile signs.

During the course of this study, the public has consistently commented that it finds that the appearance of this type of signage, including colour, to be a major contributor to the visual clutter along Hamilton’s streets and the frontages of properties in business areas.

In recent years, municipalities have begun to address this public concern by limiting the colour of lettering on mobile signs. This is done in an effort to visually tone down the appearance of mobile signs in order to better integrate with their surroundings. Stratford, Ajax, Vaughan, Oakville, Markham, Mississauga, and Toronto are some of the municipalities that limit the colour of letters on mobile signs. For example, the City of Toronto in 2005 enacted a by-law restricting the colour of letters on mobile signs to white on a black or black on a white background.

Discussion with staff in other municipalities that have adopted similar colour restrictions for mobile signs indicates that enacting the restriction on the colour of letters on mobile signs did not produce a decline in the number of mobile sign permits businesses sought or were issued. This suggests businesses continue to find such mobile signs of benefit for their business despite the colour of the letters being restricted by the municipality.

Research on the visibility and legibility of letters on signs has found that white letters on a black background are the most visible, particularly for persons with visual impairments. Legibility is a key factor in the design of highway signs. These signs typically use white letters on a single colour background to facilitate quick and clear legibility by drivers.

It is recommended that fluorescent lettering on mobile signs no longer be permitted in Hamilton to improve the visual appearance of streets and properties. In the future, letters on mobile signs must be white on a black background or black on a white background.

To allow sign companies to use up their existing inventory of fluorescent letters, a one year transition period is recommended before this provision takes effect.

(e) Location of Mobile Signs

As described previously, it is recommended that a minimum 50 metre separation exist between any mobile signs located on a property. Additional restrictions on the location of mobile signs include: 10 metres from a ground sign on the same property, 15 metres from an intersection and traffic signal, 3
metres from a driveway or side lot line, and 1.5 metres from a street line.

The HWMSA proposal is that mobile signs can be located within a parking space in a parking lot.

Parking spaces are required by the zoning by-law to create a minimum supply of parking for the development on a property. Mobile signs located in parking spaces reduce the supply of parking on a site. Placing a mobile sign in a required parking space removes that space from the parking supply required by the City to serve development on a property. Any reduction in the available parking below the number of spaces required by the zoning by-law would place the property in contravention of the zoning by-law. It is for these reasons that municipalities do not permit parking spaces to be used as the location of signs.

It is recommended that a mobile sign not be permitted to be located in a parking space required by a zoning by-law.

(f) Size of Mobile Signs

The maximum size of a mobile sign in Hamilton currently varies across the City. Dundas and Ancaster have a maximum size of 1.8 m², Stoney Creek has a maximum size of 4.0 m², Flamborough and Hamilton a maximum size of 5.6 m², and Glanbrook a maximum size of 7.0 m².

The recommended maximum mobile sign area of 4.4 m² provides an appropriate size for a mobile sign given the current range in size across Hamilton. This size is similar to that found in comparable municipalities such as Brantford, Burlington, Grimsby, Guelph and Vaughan.

2. Signs in Agricultural and Rural Areas

The Agricultural and Rural Affairs Advisory Committee passed a motion at its meeting on January 26, 2006 “that all agricultural operations and rural non-profit organizations be exempt from sign policies as outlined in the proposed City of Hamilton sign by-law. This exemption will not include third party signs for profit.”

The Rockton Agricultural Society has requested that non-profit organizations in rural areas be exempt from the sign by-law for the signs they use to direct persons to their events such as fairs.

The comment was made at the public meetings that sign pollution was primarily a problem of Hamilton’s urban areas rather than the rural areas, therefore much less if any regulation of signs was considered appropriate for rural areas and agricultural operations.
Hamilton’s agricultural and rural areas are primarily located in Flamborough, Glanbrook and Stoney Creek. The current sign by-laws in effect in these rural areas of Hamilton do regulate agriculture related signs to varying degrees through standards for the size and location of signs and the length of time seasonal produce signs can be displayed. The Glanbrook sign by-law exempts agricultural societies.

Based on the foregoing, the following are the recommendations for signs in agricultural and rural areas:

- The signs erected by a non-profit agricultural society for an event or fair it operates are exempt from the sign by-law but must comply with the traffic and pedestrian safety standards of the City of Hamilton.
- Signs associated with an agricultural use and located on the same property as the use do not require a sign permit provided that any ground sign identifying the agricultural use is a maximum of 3 m$^2$ in area. Agricultural use includes farming, field crops, forestry, tree and shrub farms, orchards, apiaries, the growing of berry or bush crops, animal husbandry, dog kennels, the breeding, boarding or sale of dogs and cats, an animal hospital, riding stables or academies, the raising of livestock, and uses or enterprises that are customarily carried out in the field of general agriculture.
- Signs advertising the sale of seasonal farm produce including pick-your-own produce and Christmas trees, primarily grown on the farm where the produce is sold do not require a permit.
- Off-site signs related to the sale of seasonal farm produce does not require a permit but must be erected with the written permission of the owner of the property where the sign is erected.

These recommended sign regulations for agricultural uses and rural areas reflect the provisions of Hamilton’s current sign by-laws as they apply in the City’s rural and agricultural areas.

3. Hamilton Association of Business Improvement Areas

The membership of the Hamilton Association of Business Improvement Areas (HABIA) consists of 10 local Business Improvement Areas. There are several hundred small businesses located within the BIAs that are members of HABIA.

HABIA generally supported the proposals of Report 1 and suggested additions to the sign by-law proposal in these areas:

- Limiting window signs to 50% of the surface of the storefront.
- Business posters on utility poles advertising business services should not be permitted.
- Parapet signage at the top of buildings should be limited to 20% of the surface, only for the logo or name of the company, and limited to one identity per side of a building.
- Standards should be provided for canopy signage.
These suggestions have been addressed in the final recommended regulations.

HABIA also recommended the City conduct an urban street audit in each commercial district to reduce the visual pollution of various types of City controlled advertising such as bus shelters, garbage containers, bicycle racks, phone booths, transit buses, and newspaper boxes.

HABIA believes that not enough enforcement is taking place by the City to eliminate or control the visual pollution of signs in BIAs. HABIA strongly supports the addition of staff by the City to ensure the new sign by-law is enforced.

HABIA supports the need for an adequately funded education campaign for the business community and general public about changes to sign regulations after a new sign by-law is passed by Council.

4. Ainslie Wood/Westdale Community Association of Resident Homeowners

The Ainslie Wood/Westdale Community Association of Resident Homeowners (AWWCARH) submitted suggestions in four areas of signage.

**Mobile Signs**
- Should be prohibited in residential areas and parks.
- Require a permit and display a sticker showing a permit has been obtained.
- Establish maximum display periods and minimum period between display periods.
- No business shall located more than one mobile sign on a property at one time.
- The minimum separation between mobile signs should be 30 metres.
- One mobile sign should be permitted for every 60 metres of frontage, to a maximum of four signs.
- No mobile sign should be located where it interferes with parking or circulation.
- No mobile sign should be permitted on the public right-of-way.

**Posters**
- Posters should be restricted to community bulletin boards and subject to size and display restrictions.

**Roof Top Billboards**
- Roof top billboards should not be permitted.

**For Rent Signs on Student Rentals**
- For Rent or Rooms for Rent signs should not be permitted in the Ainslie Wood and Westdale residentially zoned areas.
The AWWCARH’s suggestions for mobile signs, posters, and rooftop billboards were to some extent included in the proposals contained in Report No. 1. Other suggestions of the AWWCARH have been taken into consideration in preparing the final recommendations.

The AWWCARH is very concerned about student housing within residential neighbourhoods where such housing is not permitted under the zoning by-law. This issue of a building’s compliance with the City’s zoning by-law is best addressed and enforced through the provisions of the zoning by-law rather than by the prohibition of for rent signs.
PART 3: RECOMMENDATIONS

Part 3 of this report presents the final recommendations of the New Sign By-law Study. For additional background to these recommendations, regard should be had to the study’s earlier Report No. 1: Proposals which contains a more extensive description of signs in Hamilton and discussion of the sign issues associated with the recommendations made in this final report.

1. Sign By-law Administration and Enforcement

The issue and concern mentioned most frequently by the public and sign companies with respect to the current state of signs across Hamilton is the inadequacy of the City’s current level of sign by-law enforcement. For both groups, greater and more effective enforcement of the City’s sign by-laws is the top priority improvement with respect to signs in Hamilton.

The public sees better by-law enforcement as the key factor for producing an improvement in the appearance of Hamilton particularly along its streets, roads, and in its business areas. Many members of the public voiced concerns over the increasing negative visual impact signs are having on the appearance of parts of Hamilton. They expressed the hope that through the Hamilton New Sign By-law Study, the City would implement measures to bring Hamilton closer to other municipalities with respect to the reduction of visual sign clutter through a combination of better sign regulations and by-law enforcement.

The sign companies and businesses support better enforcement by the City because it creates a level playing field when all sign companies and businesses must adhere to the City’s sign by-law regulations or suffer enforcement penalties.

Lack of proactive enforcement increases the number of signs erected without a permit and promotes general disregard for the sign by-law. This undermines the City’s credibility with respect to the regulation of signs and negatively affects other City initiatives with respect to improvements along City streets and the appearance and image of Hamilton.

The public and sign companies recognize that better enforcement can only be achieved if adequate resources are allocated by the City to enforce the sign by-law. This is particularly true if the City is to adopt a proactive approach to sign by-law enforcement as supported by the public and sign companies, instead of enforcing only on a complaint basis as is the City’s current practice for by-law enforcement including the sign by-law.

The current complaint driven approach to sign by-law enforcement is unsatisfactory to both the public and sign companies. A proactive approach to sign by-law enforcement is recommended to ensure the
City’s sign regulations are followed and reduce the degree of sign clutter in Hamilton.

A new sign by-law without adequate staff resources to enforce its provisions will not improve the current appearance of those parts of Hamilton that currently suffer from illegal signs. Adequate resources and practices to effectively enforce current and new sign by-laws are the top priority for bringing about improvements to the visual appearance of Hamilton with regard to signs both now and in the future.

Dedicated sign inspectors will improve the City’s current performance and outcomes with respect to sign approvals and enforcement. Two new staff positions of sign inspectors are recommended. These inspectors would be responsible for all sign approval and enforcement activities.

**Recommendation 1**

**Sign By-law Administration and Enforcement**

- Create two new staff positions of sign inspectors in the Building and Licensing Division with the responsibility for all sign permit approvals, inspections and enforcement.
- Adopt a proactive approach to sign by-law enforcement.

**2. Licensing of Portable Sign Companies**

Adding portable sign companies to the Hamilton Licensing Code will improve the regulation of portable signs and portable sign companies. Licensing of these companies is supported by the public and the Hamilton-Wentworth Mobile Sign Association.

To be licensed to rent portable and mobile signs in Hamilton, a company will have to satisfy the City’s requirements for operating such a business in Hamilton. These requirements will include matters such as adequate insurance and business practices. If a business does not comply with the City’s licensing requirements, the City can refuse to renew its license.

**Recommendation 2**

**Licensing of Portable Sign Companies**

- Portable sign companies that rent signs to persons or businesses in Hamilton must be licensed by the City of Hamilton.
- Business license fee: $200.00 per year.
3. Sign Application Fees

Sign fees apply to new signs that require a permit before the sign can be erected. There is also a fee for a sign variance applications.

Existing signs are not required to pay any fee since an existing legal sign would have obtained a permit when it was erected and paid an application fee at that time. A fee is payable only at the time a sign permit is issued for the erection of the sign.

The following fees are recommended as part of the new sign by-law for signs.

<table>
<thead>
<tr>
<th>Recommendation 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fees</strong></td>
</tr>
<tr>
<td><strong>Sign Permit Application Fees</strong></td>
</tr>
<tr>
<td>- Ground Signs, New Home Development Ground Sign</td>
</tr>
<tr>
<td>$150.00 (2.5 m² or less in sign area);</td>
</tr>
<tr>
<td>$250.00 (Over 2.5 m² up to 4.0 m²);</td>
</tr>
<tr>
<td>$500.00 (Over 4.0 m²).</td>
</tr>
<tr>
<td>- Wall, Awning, Canopy an Projecting Sign: $250.00.</td>
</tr>
<tr>
<td>- Advertising Sign: $500.00.</td>
</tr>
<tr>
<td>- Mobile Sign: $100.00 for 30 days.</td>
</tr>
<tr>
<td>- Sidewalk Sign: $75 per year per sign.</td>
</tr>
<tr>
<td>- Inflatable Sign: $50 for 7 days.</td>
</tr>
<tr>
<td>- New Home Development Portable Sign: $50 per sign per year.</td>
</tr>
<tr>
<td>- $100 per sign permit administration fee for any sign erected without a permit.</td>
</tr>
<tr>
<td><strong>Sign Variance Application Fees</strong></td>
</tr>
<tr>
<td>- $670.00 per application.</td>
</tr>
<tr>
<td>- $970.00 for a sign erected without a permit.</td>
</tr>
<tr>
<td><strong>Enforcement Fees</strong></td>
</tr>
<tr>
<td>- Removal of an Unlawful Permanent Sign: $200.00 or the actual cost of removing the sign, whichever is greater.</td>
</tr>
<tr>
<td>- Storage Charge for an Unlawful Permanent Sign: $50.00 per day.</td>
</tr>
<tr>
<td>- Removal of an Unlawful Mobile Sign: $200.00 or the actual cost of removing the sign, whichever is greater.</td>
</tr>
<tr>
<td>- Storage Charge for an Unlawful Mobile Sign: $50.00 per day.</td>
</tr>
<tr>
<td>- Removal of an Unlawful Portable Sign: $50.00 or the actual cost of removing the sign.</td>
</tr>
</tbody>
</table>
Recommendation 3

Fees

whichever is greater.
- Storage Charge for an Unlawful Portable Sign: $50.00 per day.

4. Sign Variances

A person can apply for a variance from the regulations of the sign by-law. Currently variances to the sign by-law of the former City of Hamilton are dealt with by the Committee of Adjustment because signs are regulated through the zoning by-law. For Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek, sign variances are dealt with by Council since these sign regulations are not part of a zoning by-law.

It is recommended that Council delegate to staff the approval of sign variances. This would reduce the administration and time involved with sign variances. Council would only be involved in the review of a sign variance where an applicant disagrees with the staff decision on the variance application. In such a case, the applicant could appeal the decision of staff to the Planning and Economic Committee of Council.

Recommendation 4

Sign Variance Applications

- That Council delegate to staff the authority to approve applications for variances from the sign by-law.
- That an applicants have the right to appeal the decision of staff to the Planning and Economic Development Committee.

5. Signs on City of Hamilton Properties and Buildings

City of Hamilton properties located outside the public road allowance include City buildings and public parks.

The proposal in Report No. 1 to exempt the City of Hamilton from the new sign by-law was not supported by the public, sign companies, and other groups. Each felt the City should be subject to the same rules for its signs and follow its own sign by-law.
It is recommended that the City of Hamilton be subject to the new sign by-law for signs erected on buildings and other associated signs such as ground signs. The diversity of sign types located within public parks is best regulated by the City of Hamilton Parks By-law which governs how parks are used and operated. To implement this, By-law 01-219 should be amended to add provisions for signs in City parks. Signs in cemeteries would be governed by the cemeteries by-law.

**Recommendation 5**

**Signs on City of Hamilton Property**

- The provisions of the sign by-law apply to any sign erected on a City of Hamilton building and other associated signs.
- It is recommended that signs in City parks be regulated under the City of Hamilton Parks By-law and signs in cemeteries in the Cemeteries By-law.

6. **Incidental Purpose Based Information Signs**

These signs are incidental to a particular activity on a property and the purpose of the sign is directly related to that activity. Examples include temporary contractor signs erected on the property where the contractor is working, (e.g., roofing contractor, home renovations, landscaping, house painting). Another common example is a real estate sign placed on a property that is for sale or rent and a real estate open house sign associated with the real estate listing.

There are also other types of non-portable signs that are erected for a temporary period. These include construction site signs for properties with buildings under construction.

The following sign regulations are recommended for incidental purpose based information signs. The recommendations for real estate signs incorporate the suggestion of the Realtors Association of Hamilton-Burlington that a real estate sign be removed within seven days after a firm sale has been reported to the realtors association.

**Recommendation 6**

**Incidental Purpose Based Information Signs**

**Contractor Identification Signs**

- No sign permit required
- Maximum size of 1.2 m² per sign face.
Recommendation 6
Incidental Purpose Based Information Signs

- Maximum height 1.25 metres.
- No illumination.
- Erected only on the property during the period the contractor is performing the work.

Construction Information Signs

- No sign permit required.
- Maximum size 10.0 m$^2$.
- Must be removed from the construction site within 30 days of project completion.

Real Estate Signs

- No sign permit required.
- No illumination.
- No directional signs to the property for sale or rent are permitted on any other private property.
- Signs must be removed from the property within 7 days after a firm sale is reported to the local realtors association or 7 days after the property or space has been leased.
- One real estate sign for each street line of the property.

Residential: Single detached to townhouse dwellings

- Real estate sign: Maximum size of 1.0 m$^2$ per sign face.
- Only erected on the property listed for sale or rent.
- Open house directional sign: Maximum 0.5 m$^2$ per sign face.
- Open house directional sign permitted on the public road allowance excluding any traffic median or island and not on any utility pole.
- Open house directional sign located no closer than 0.3 metres from the pedestrian sidewalk or the vehicular traveled portion of the road.
- Open house directional sign display period: between 10 a.m. and 6 p.m. the day of the real estate open house.

Apartment Building

- Maximum size 4.0 m$^2$.
- Only permitted on the property that is for sale or lease.

Commercial and Industrial

- Maximum size 4.0 m$^2$.
- Only permitted on the property that is for sale or lease.
7. A-Frame and Sidewalk Signs

A-Frame or sandwich board signs are often used by businesses to advertise aspects of their business. A-Frame signs are most frequently used by stores on pedestrian oriented shopping streets where they are displayed in front of the business.

Sidewalk signs refer to A-Frame signs when they are displayed on a portion of the public sidewalk in front of the business.

The following regulations are recommended for A-Frame and sidewalk signs.

<table>
<thead>
<tr>
<th>Recommendation 7</th>
<th>A-Frame and Sidewalk Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Annual sign permit only required for sidewalk sign.</td>
<td></td>
</tr>
<tr>
<td>▪ Validation marker issued by the City to be displayed on the sidewalk sign or displayed in the store window.</td>
<td></td>
</tr>
<tr>
<td>▪ No more than 0.6 metres in width and 0.8 metres in height.</td>
<td></td>
</tr>
<tr>
<td>▪ No illumination, animation, or device that creates noise or motion.</td>
<td></td>
</tr>
<tr>
<td>▪ Display of A-Frame and sidewalk sign only permitted during the hours the business is open and operating.</td>
<td></td>
</tr>
<tr>
<td>▪ A-Frame sign must be located against the front wall of the business it is advertising.</td>
<td></td>
</tr>
<tr>
<td>▪ Sidewalk sign located on the sidewalk adjacent to the curb or against the building and opposite the business provided the sidewalk sign maintains at least 1.5 metres of unobstructed sidewalk space and does not conflict with any urban braille system on the sidewalk.</td>
<td></td>
</tr>
<tr>
<td>▪ Any sidewalk sign on the public road allowance must satisfy City’s general liability insurance requirements.</td>
<td></td>
</tr>
<tr>
<td>▪ A-Frame sign not permitted on lands that are vacant or lands zoned for residential uses with the exception of mixed-use zoning.</td>
<td></td>
</tr>
</tbody>
</table>

8. Mobile Signs

The response of the sign companies to the proposals in Report No. 1 for mobile signs were presented and discussed in Part 2 of this report.

Report No. 1 proposed that the current prohibition of mobile signs in downtown Hamilton be continued to support the City’s planning initiatives downtown. During the community consultation on the sign
proposals, it was suggested that in addition to downtown Hamilton, that mobile signs not be permitted in the traditional and historic downtowns of Hamilton’s communities.

These areas are developed with a compact urban fabric and some have a historic character. Commercial properties tend to be smaller with buildings located at or close to the street line. The character of signs in these areas is primarily wall or projecting signs. Hamilton’s Business Improvement Areas share this development character. Mobile signs do not contribute to the visual or built character of such areas. It is recommended that mobile signs not be permitted within: Hamilton’s Downtown Community Improvement Project Area, the boundaries of a Business Improvement Area, and the Ancaster Village Core Area.

The following are the recommended regulations for mobile signs.

<table>
<thead>
<tr>
<th>Recommendation 8 Mobile Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Sign permit required.</td>
</tr>
<tr>
<td>- Sign permit application must include property owner’s authorization.</td>
</tr>
<tr>
<td>- Sign permit validation marker issued by the City to be displayed on the sign.</td>
</tr>
<tr>
<td>- Name and phone number of the company owning the sign must be displayed on the sign.</td>
</tr>
<tr>
<td>- Mobile sign may be located only on private property zoned and used for commercial, industrial, or institutional uses.</td>
</tr>
<tr>
<td>- No mobile sign is permitted on vacant property.</td>
</tr>
<tr>
<td>- Mobile sign must be related to a business or occupancy located on the same property.</td>
</tr>
<tr>
<td>- Maximum of two mobile signs permitted any time on a property provided a minimum separation of 50 metres is maintained between any mobile signs on the property.</td>
</tr>
<tr>
<td>- Each business on a property is permitted a maximum of 3 mobile sign permits per calendar</td>
</tr>
</tbody>
</table>
Recommendation 8

Mobile Signs

- year, each permit valid for 30 consecutive days maximum.
- A hiatus period of 15 consecutive days must pass between permits before a new permit can be issued for a mobile sign on the property.
- Where a mobile sign has two sign faces, two separate businesses may share the sign, each business using one sign face with a permit.
- Maximum size 4.4 m² per sign face, maximum two sign faces.
- No one dimension more than 2.4 metres, maximum height of 2.7 metres from grade for the entire mobile sign structure.
- For institutional uses maximum size 1.8 m², maximum two sign faces, maximum height 2.0 metres from grade.
- No illumination, animation, or device that creates noise or motion.
- Sign lettering will be white on black background or black on white background.
- Mobile sign shall not be located within 10.0 metres of a ground sign.
- Mobile sign shall not be located within 15.0 metres of an intersection or traffic signal, 3.0 metres of a driveway entrance or exit or the side lot line of a property.
- Mobile sign shall be located a minimum 1.5 metres from a street line and shall not obstruct a visibility triangle.
- No mobile sign shall be located in any parking space required under a zoning by-law.
- Owners of properties with multiple business tenancies or occupancies are encouraged to prepare a mobile sign location master plan to streamline sign permit approvals.
- Mobile signs are not permitted in Hamilton’s Downtown Community Improvement Area, a Business Improvement Area, and the Ancaster Village Core Area.

9. Inflatable Signs

The following regulations are recommended for inflatable signs.

Inflatable Signs

- Require a sign permit as a portable sign.
- Sign application must provide details of location and how sign is anchored to the ground or tethered to its base.
- Maximum display period: Seven days, non-renewable permit.
- Maximum 2 permits per calendar year per business.
- Maximum 7 metre height and 6 metre width.
- Located a minimum 50 metres from a mobile sign.
10. New Home Development Signs

Developers and new home builders use a mix of portable and ground mounted signs to advertise their developments to buyers. The recommendations for new home builder signs reflect the input received from the Hamilton-Halton Home Builders’ Association.

**Recommendation 10**

**New Home Development Signs**

<table>
<thead>
<tr>
<th><strong>New Home Development Portable Signs</strong></th>
<th>![Image of portable signs]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require a permit, good for one year.</td>
<td></td>
</tr>
<tr>
<td>Validation marker issued by the City to be displayed on the sign.</td>
<td></td>
</tr>
<tr>
<td>Maximum 1.2 metres in height.</td>
<td></td>
</tr>
<tr>
<td>Maximum size of 1.2 m² per sign face, two sign faces maximum.</td>
<td></td>
</tr>
<tr>
<td>No illumination, animation, or device that creates noise or motion.</td>
<td></td>
</tr>
<tr>
<td>Maximum 3 signs permitted on each corner of an intersection, 1 per builder.</td>
<td></td>
</tr>
<tr>
<td>Maximum 10 signs for each development.</td>
<td></td>
</tr>
<tr>
<td>Not located on a sidewalk, traffic island or median or attached to a light standard or utility pole.</td>
<td></td>
</tr>
<tr>
<td>Not located closer than 1.5 metres to the curb or the edge of the traveled portion of the roadway where there is no curb.</td>
<td></td>
</tr>
<tr>
<td>Not located within 3.0 metres of a driveway entrance or exit and shall not in any way obstruct the line of sight of the intersection, driveway entrance or exit by any pedestrian or driver.</td>
<td></td>
</tr>
<tr>
<td>Period of display is no earlier than 5:00 p.m. on a Friday to no later than 7:00 a.m. the immediately following Monday. Period of display extended when Friday or Monday is a statutory holiday.</td>
<td></td>
</tr>
<tr>
<td>Satisfies the City’s general liability insurance requirements.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>New Home Development Ground Signs</strong></th>
<th>![Image of ground signs]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit required.</td>
<td></td>
</tr>
<tr>
<td>Maximum sign area: 18 m².</td>
<td></td>
</tr>
<tr>
<td>Maximum 2 new home development ground signs per subdivision and up to 2 signs outside the subdivision on private property with the approval of the owner of the property.</td>
<td></td>
</tr>
<tr>
<td>Maximum of one model home sign per model home within the subdivision.</td>
<td></td>
</tr>
<tr>
<td>Maximum sign area: 3.0 m².</td>
<td></td>
</tr>
</tbody>
</table>
11. Election Signs

Election signs are temporary signs erected during municipal, provincial or federal elections. Hamilton’s current election sign by-law permits election signs to be located on the public road allowance.

Election signs are currently regulated in a by-law separate from the existing sign by-laws. Since the new sign by-law deals with signs comprehensively, the regulations for the location of election signs should become part of the new sign by-law.

The following are the recommendations for election signs.

<table>
<thead>
<tr>
<th>Recommendation 11</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Election Signs</strong></td>
</tr>
<tr>
<td>▪ No permits required.</td>
</tr>
<tr>
<td>▪ Election signs permitted only on private property.</td>
</tr>
<tr>
<td>▪ Maximum size 1.5 m² for each sign face</td>
</tr>
<tr>
<td>▪ Election signs for a federal or provincial election shall not be erected earlier than the date the writ of election is issued.</td>
</tr>
<tr>
<td>▪ Election signs for a municipal election shall not be erected earlier than 28 days prior to voting day.</td>
</tr>
<tr>
<td>▪ All election signs shall be removed no later than three days following the voting day.</td>
</tr>
</tbody>
</table>

12. Banners

Banners are canvas or plastic temporary signs generally mounted on the side of buildings or fences. Banners are also placed across streets, generally as part of a charitable function or for some other public purpose.

In the case of banners on private property used by a business, they should be treated as temporary signs and subject to a permit and time limits.

Banners erected by a charity or for another public purpose may be erected above or across a public road provided the requirements of the City of Hamilton are satisfied. Charity banners may be placed on fencing adjacent to a street where the charity has the permission of the owner.
The following regulations are recommended for banners.

**Recommendation 12**

**Banners**

- Require a sign permit when located on private property.
- Maximum display period: 30 days, non-renewable permit.
- Maximum 2 permits per calendar year per business.
- Maximum dimensions of 6 metres by 1 metre, maximum area 6 m$^2$.
- A banner advertising a special event and erected by a charitable or community organization may be located on a fence adjacent to a street where the owner has granted permission and does not require a permit.
- Maximum display period 14 days before the event and must be removed within 2 days after the event.

**13. Posters**

The term poster refers to the large variety of leaflets and other paper or plastic sheets that are pasted, glued, stapled, nailed, taped or otherwise affixed to lamp posts, utility poles, traffic signs, mail boxes, utility boxes and other objects located in the public road allowance.

It is recommended that Hamilton adopt a program to allow posters only on approved kiosks or poster sleeves on utility poles. The distribution of kiosks at appropriate locations should be coordinated with ongoing street improvement programs and business organizations in commercial areas. The distribution of approved poster sleeves should correspond with locations and areas in Hamilton where there is currently a high poster demand.

This approach to posters benefits both individuals and the municipality. Individuals can display posters in visible public locations while allowing the municipality to regularly clear the posters, thereby attending to the upkeep the appearance of streets and public spaces through a regular program of poster removal. The City should also discuss with businesses such as clubs that use posters as a regular part of their operation, their involvement in maintaining the approved areas or posters.

The following regulations are recommended for posters.
Recomendation 13
Posters

- No permit required.
- Only permitted on an approved poster sleeve or community information kiosk.
- Paper or cardboard only, maximum size of 22 cm by 28 cm.
- Only affixed by tape.
- Maximum one poster for each event or announcement on each poster sleeve or community information kiosk.
- Maximum display period for poster is 21 days or not more than five days after the end of the advertised event, whichever is shorter.
- City may periodically remove any poster without notice to the person or organization.

14. Tourism Oriented Destination Signage

The Province of Ontario has a program that erects Tourism Oriented Destination Signage (TODS) on Provincial highways. These signs provide motorists with directions to local tourist destinations, community facilities and emergency services.

The Region’s 1998 policy governing the erection of TODS signs on Hamilton streets provides appropriate regulation of signs on local streets to guide motorists from the Provincial highway to major tourist destinations, emergency services and other facilities in Hamilton. It is recommended that it continue to regulate TODS signs as administered by the City’s Traffic Engineering and Operations Section.

Recommendation 14
Tourism Oriented Destination Signage

- It is recommended that the City continue to regulate TODS under the City’s current policy.
15. Signs in Agricultural and Rural Areas

Within agricultural areas, ground signs are erected to identify the name of the farm operation or the proprietor. In addition, signs are erected advertising the sale of seasonal produce from the lands on which they were grown. Agricultural societies also use signs in connection with their events and fairs.

Signs in agricultural and rural areas were discussed in Part 2 of this report.

The following regulations are recommended for signs in agricultural and rural areas.

### Recommendation 15

**Signs in Agricultural and Rural Areas**

- The signs erected by a non-profit agricultural society for an event or fair it operates are exempt from the sign by-law but must comply with the traffic and pedestrian safety standards of the City of Hamilton.
- Signs associated with an agricultural use and located on the same property as the use do not require a sign permit provided that any ground sign identifying the agricultural use is a maximum of 3 m² in area. Agricultural use includes farming, field crops, forestry, tree and shrub farms, orchards, apiaries, the growing of berry or bush crops, animal husbandry, dog kennels, the breeding, boarding or sale of dogs and cats, an animal hospital, riding stables or academies, the raising of livestock, and uses or enterprises that are customarily carried out in the field of general agriculture.
- Signs advertising the sale of seasonal farm produce including pick-your-own produce and Christmas trees, primarily grown on the farm where the produce is sold do not require a permit.
- Off-site signs related to the sale of seasonal farm produce does not require a permit but must be erected with the written permission of the owner of the property where the sign is erected.
16. Adult Entertainment Parlour Signs

The City of Hamilton Licensing Code, By-law 01-156 licenses and regulates adult entertainment parlours. It also regulates the number, size and type of signs associated with an adult entertainment parlour.

<table>
<thead>
<tr>
<th>Recommendation 16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Entertainment Parlour Signs</td>
</tr>
<tr>
<td>▪ It is recommended that the City continue to regulate the signs of adult entertainment parlours through the City of Hamilton Licensing Code.</td>
</tr>
</tbody>
</table>

17. Ground Signs

Ground signs are generally located adjacent to the street on a property. The ground sign on a property is usually the principal sign that identifies the business or use on the property to the passing public.

One ground sign should be permitted on each street frontage of a property. For properties with a large street frontage over 300 metres in length such as a major shopping centre, more than one ground sign may be appropriate or required. Where more than one ground sign along a street frontage is proposed, the minimum separation between the ground signs parallel to the frontage should be 200 metres.

The maximum sign area for ground signs relate to the length lot frontage along the street line where the ground sign is located. It is recommended that the maximum size of a ground sign be 0.3 times the lot frontage on which the sign is located to a maximum area of 18 m² for each sign face.

To provide for temporary messages, it is recommended that a maximum of 50% of the permitted sign area of a ground sign could contain changeable letters or copy. This area is referred to as a read-o-graph. Where provided, the read-o-graph portion of the ground sign would fulfill the same temporary message display function as a mobile sign but as part of the permanent ground sign.
The messages on the read-o-graph portion of a ground sign can be changed periodically either through the manual changing of the letters or through the use of an electronic message board.

To promote the legibility of such electronic messages by the public, the illumination intensity of the electronic characters should be constant and the minimum display time for the electronic message should be three seconds during which there is no movement or change in colour. The electronic message board cannot display a continuously scrolling or chase message.

The recommended maximum height of a ground sign is in proportion to the area of the ground sign. The maximum height for a ground sign less than 4.0 m² in area is recommended to be 3.5 metres. The maximum height for a ground sign 4.0 m² to 6.0 m² is 6.0 metres. A sign over 6.0 m² in area has a maximum height of 7.5 metres. These limits are similar to the current ground sign standards in Ancaster, Flamborough, Glanbrook and Stoney Creek.

To assist persons and emergency vehicles to locate a property especially in the case of commercial plazas, each ground sign should be required to display the street address number of the property at the top or bottom of the ground sign.

The following regulations are recommended for ground signs.

<table>
<thead>
<tr>
<th>Recommendation 17</th>
<th>Ground Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- One ground sign for each frontage on a public street.</td>
<td></td>
</tr>
<tr>
<td>- Minimum 200 metre spacing between any two ground signs parallel to a street frontage on a property.</td>
<td></td>
</tr>
<tr>
<td>- Maximum ground sign area 0.3 times the lot frontage on which the sign is located to a maximum area of 18 m² for each sign face.</td>
<td></td>
</tr>
<tr>
<td>- Maximum ground sign height: 3.5 metres for a ground sign less than 4.0 m²; 6.0 metres for a ground sign 4.0 m² to 6.0 m²; 7.5 metres for a sign over 6.0 m² in area.</td>
<td></td>
</tr>
<tr>
<td>- Each ground sign shall display the municipal street address number in numerals that are a minimum 15 cm in height.</td>
<td></td>
</tr>
<tr>
<td>- A maximum of 50% of the permitted area of the sign face of a ground sign may contain changeable lettering or copy.</td>
<td></td>
</tr>
<tr>
<td>- The intensity of illumination of electronic characters within the read-o-graph portion of a ground sign shall be at a constant level and the message shall be displayed for a minimum of 3 seconds.</td>
<td></td>
</tr>
</tbody>
</table>
18. Wall Signs

Wall signs are mounted on the front wall of a building, generally on the facade facing the street. The wall sign supplements a ground sign’s identification function where it is present. In other cases, the wall sign is the main identification sign for a business or use.

Since a wall sign is an integral part of the building to which it is attached, controlling the maximum size of a wall sign is critical to achieving a sign that does not overwhelm the facade of the building. The size of a wall sign should be in proportion to the area of the building facade on which it is erected.

A maximum wall sign area of 15% of the facade produces an appropriate wall sign size. This is currently the wall sign area standard in the Ancaster, Flamborough, Glenbrook, and Stoney Creek sign by-laws.

A mural can be public art in areas such as BIAS and should be treated as a wall sign. A mural should be limited to a maximum area of 50% of the facade it is located on. It may not contain any advertising.

A parapet sign is a wall sign located at the top of a building such as an office building. HABIA requested that parapet signs be regulated in the new sign by-law.

The following regulations are recommended for wall signs.

<table>
<thead>
<tr>
<th>Recommendation 18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Wall Signs</strong></td>
</tr>
<tr>
<td>- Maximum sign area: 15% of the building elevation on which the sign is erected.</td>
</tr>
<tr>
<td>- A mural is a wall sign, may not contain any advertising, and its sign area cannot exceed 50% of the building elevation on which the mural is located.</td>
</tr>
<tr>
<td>- The maximum sign area for a parapet sign is 15% of the parapet on which the sign is erected.</td>
</tr>
<tr>
<td>- A parapet sign shall include only the logo or name of a company and be limited to one identity</td>
</tr>
</tbody>
</table>
Recommendation 18
Wall Signs

| Sign per side of a building. |

19. Canopy and Awning Signs

A canopy sign projects or extends from a building facade and generally covers the walkway to the entrance of a building to provide weather protection. HABIA requested that standards be created for canopy and awning signs.

An awning sign is a sign painted on the surface of an awning (a projection from the wall of a building made of non-rigid material). Awnings can be permanent or retractable. They are generally placed above a window or store front to provide shade or weather protection.

The following regulations are recommended for canopy and awning signs.

Recommendation 19
Canopy and Awning Signs

- Graphic or lettering limited to a maximum 20% of the surface of the awning.
- Minimum 2.5 m clearance from grade.

20. Window Signs

Window signs are signs posted, painted, etched or placed on a window exposed to public view. They are typically located in the window of a store front. HABIA requested that window signs be regulated in the new sign by-law.

Window signs should not cover the entire window in order to provide for views in and out of the storefront. The following regulation is recommended for window signs.

Recommendation 20
Window Signs

- Maximum sign area: 50% of the window surface.
21. Projecting Signs

Projecting signs are attached at right angles to the main facade of a building.

On traditional pedestrian shopping streets they often hang above the public sidewalk. In these situations, well designed projecting signs can contribute positively to the character of the streetscape.

The following regulations are recommended for projecting signs.

<table>
<thead>
<tr>
<th>Recommendation 21 Projecting Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Maximum sign area: 1.0 m².</td>
</tr>
<tr>
<td>■ Minimum 2.5 m clearance from grade.</td>
</tr>
<tr>
<td>■ Owner satisfies the City’s liability insurance and encroachment agreement requirements.</td>
</tr>
</tbody>
</table>

22. Roof Signs

The character of an area is normally created by the buildings and street. Because of their large size and prominent location on the top of buildings, roof signs can overwhelm the character of an area.

As identification signs for a property or building, the role of a roof sign is superfluous to the wall and ground signs on the property that more appropriately identify the business or use at a scale commensurate with its surroundings..

It is recommended that the new sign by-law not permit roof signs as they do not make a positive visual contribution to the appearance of the City and negatively impact the character of developed areas..

<table>
<thead>
<tr>
<th>Recommendation 22 Roof Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>■ Roof signs are prohibited.</td>
</tr>
<tr>
<td>■ Existing legally erected roof signs may remain as legal non-complying signs.</td>
</tr>
</tbody>
</table>
23. Advertising Signs

Advertising signs or billboards are the largest signs in Hamilton. They advertise goods and services not necessarily available on the property where these signs are located.

They are generally located along roads with high traffic volumes. They are particularly prevalent in the former City of Hamilton in developed areas along major streets.

The size and prominence of advertising signs in developed areas and on properties with buildings can make them the major factor setting the visual character of a property and area. Where advertising signs in Hamilton are located on properties with buildings, their mass, height and location often interfere with, dominate or otherwise visually conflict with the building and the use of the site.

To reduce the profile of advertising signs, it is recommended that any new advertising sign erected take the form of a vertical poster, which is an advertising sign oriented vertically rather than horizontally.

To avoid further concentration of advertising signs in the developed areas of Hamilton and over time reduce their current visual impact on buildings and streetscapes, it is recommended that new advertising signs only be permitted on vacant and undeveloped lands zoned for industrial or commercial uses but not including lands used as easements or rights-of-way by utilities or railways.

Animated advertising signs can add to other driver distractions and potentially affect road safety. Animated advertising signs by their size, illumination, changing displays and messages can become the dominant visual feature on a street or in an area. This negatively affects the visual character of the area. It is recommended that animated advertising signs not be permitted.

The minimum spacing between advertising signs should be 300 metres and this distance should also be the minimum distance an advertising sign must be located from any residentially zoned property. Advertising signs should not be permitted within 400 metres of major highways such as the Lincoln M. Alexander Parkway or the future Red Hill Creek Expressway.
The current prohibition against advertising signs in Hamilton’s Downtown should be maintained and expanded to the limits of the Downtown Community Improvement Plan. This will support the planning objectives of the Downtown Secondary Plan and Zoning By-law.

The following regulations are recommended for advertising signs.

**Recommendation 23**

**Advertising Signs**

- Only permitted on vacant undeveloped property zoned commercial or industrial.
- Not permitted in Hamilton’s Downtown Community Improvement Plan or on lands located within 400 metres of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Creek Expressway.
- Maximum sign area: 18 m² per sign face.
- Maximum height: 18 metres.
- Spacing: Minimum 300 metres to another advertising sign; Minimum 300 metres from any residentially zoned property.
- No animation.
- New advertising signs must be vertical posters.

**24. Menu Boards**

The menu boards associated with drive-through facilities in Hamilton are best dealt with through the City’s planning tools and approvals such as site plan control rather than the sign by-law.

**Recommendation 24**

**Menu Boards**

- It is recommended that menu boards in the City of Hamilton be regulated through the site plan approval process and zoning by-law if necessary.
PART 4: IMPLEMENTATION STRATEGY

There are a series of actions and measures that will implement the recommendations of this report. The following section describes the strategy and associated time lines for implementation of the recommendations of this report.

1. Enactment of a New Sign By-law

The new sign by-law creates new regulations for signs in Hamilton, alters existing administrative procedures, and creates new approval and licensing requirements.

Council will consider the recommendations of this report together with public comment and provide direction on proceeding with a new sign by-law. Based on this direction from Council, City staff will take the necessary actions and prepare the corresponding administrative and enforcement processes required to implement the recommendations adopted by Council.

It is recommended that the effective date of the new sign by-law be February 1, 2007. This will provide sufficient time for businesses and the public to become familiar with the provisions of the new by-law. During this period, City staff will put into place the procedures necessary to implement the new by-law. This includes amending the Licensing Code to license portable sign companies and modifying current procedures to reflect the administrative and enforcement provisions of the new sign by-law.

2. Repeal of Existing By-laws

The new sign by-law will replace the existing sign by-laws which will be repealed. These include:

- Repeal of the sign by-laws of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, and Stoney Creek.
- Repeal of By-law 05-154, the sign regulations for Downtown Hamilton.

Signs are also regulated through a range of other by-laws, mainly administered by the Public Works Department. This includes the Streets By-law and some by-laws of the former Region of Hamilton-Wentworth that apply to streets. Where necessary, these by-laws will be amended to eliminate any conflict with the new sign by-law.


This report recommends that fluorescent letters no longer be permitted on mobile signs. To allow for the sign companies to adjust their inventory of letters to this new requirement, a transition period of one year
is recommended before this regulation for the colour of letters comes into effect.

If the effective date of the new sign by-law is February 1, 2007, then the new election sign regulations would come into effect for the municipal election after the upcoming 2006 municipal election and any federal or provincial election after February 1, 2007.

4. Public Awareness and Education Program

The City should implement a program to make the public and businesses aware of the new sign by-law and its provisions. A program of public education related to the new sign by-law should include:

- Distributing an information brochure summarizing the new sign by-law provisions and procedures;
- Providing information on the new sign by-law as an insert in property tax bills;
- Providing information on the City’s web site about the new sign by-law;
- Holding information sessions and meetings for sign companies and other affected groups.

These education measures will promote awareness of the new sign by-law and an understanding of how it may affect a member of the public or apply to a business.
APPENDIX “A” Draft Sign By-law
THE CITY OF HAMILTON
BY-LAW NO. 06-____

BEING A BY-LAW RESPECTING SIGNS AND OTHER ADVERTISING DEVICES WITHIN
THE CITY OF HAMILTON

WHEREAS Section 99 of the Municipal Act, S.O. 2001, Chapter 25, provides a municipality may pass a by-law respecting advertising devices, including signs, and permits the removal of signs erected or displayed in contravention of the by-law;

AND WHEREAS Council may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the City under clause 391(1)(a) of the Municipal Act, S.O. 2001, Chapter 25;

AND WHEREAS under Section 425 of the Municipal Act, S.O. 2001, Chapter 25, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the Municipal Act, 2001, S.O. 2001, Chapter 25, is guilty of an offence;

AND WHEREAS Section 427 of the Municipal Act, S.O. 2001, Chapter 25, provides that municipalities have the authority by By-law or otherwise to direct or require that a matter or thing be done, and that municipalities may direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense, and the municipality may recover the costs of doing it by action, or the costs may be added to the tax roll and collected in the same manner as taxes;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25, provides that a municipality may pass By-laws respecting structures, including fences and signs;

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

SECTION 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 limits 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 Corporate limits 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 or displayed, or caused to be erected or displayed by a Federal, Provincial or Municipal Government or by a local board as defined in the Municipal Affairs Act, R.S.O. 1990, c.M46 as amended.

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’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 proportionally to the purpose of the By-law.

SECTION 2.0 DEFINITIONS

In this By-law:

“A-Frame Sign” means a self-supporting portable structure shaped like an “A” with one or two sign faces.

“Abandoned or Obsolete Sign” means a sign located on Property which becomes Vacant and unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies.

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

“Advertising Sign” means an outdoor sign erected and maintained by a Person, firm, corporation, or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed Copy that advertises goods, products, or services not necessarily sold or offered on the Property where the sign is located, and the sign is either single faced or double faced.
“Alter” means any change to the Sign Structure or the sign face including the addition, deletion or rearrangement of parts, provided a change in the message or copy displayed by the Sign does not in itself constitute an alteration.

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

“Awning” 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.

“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 as defined in a zoning by-law.

“Building Canopy” means a canopy at the entrance of a building and extending over a walkway or driveway which protects pedestrians entering or leaving the building from the elements.

“Building Canopy Sign” means a Building Canopy that is or functions as a sign.

“Business Improvement Area” means an area designated by the City as an improvement area under the Municipal Act.

“Canopy” 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 the building to which it is attached.

“Canopy Sign” means a Canopy that is or functions as a sign.

“Charity” means a registered charity, as defined in subsection 248(1) of the federal Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), or successor legislation, that 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.

“City” means the City of Hamilton.

“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 lands on which the sign is erected 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 Light Standard” means a light standard owned by the City and fitted with a Poster Sleeve.

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

“Directional Sign” means any on premises sign 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 Lot 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 Lot parallel to and along each legally accessible public 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 Sign Structure embedded in a foundation in the ground to a depth of at least 1.2 metres and which is not supported by any building or other structure.

“Home Occupation Sign” shall mean a Sign identifying a home occupation as defined in a zoning by-law.
“Hiatus Period” means the period of time following the placement of every Mobile Sign on a Property during which period no Mobile Sign is displayed on a Property.

“Height” means the vertical distance measured from the average elevation of the finished 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 or building 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 other structure and shall include balloons and any other inflatable Advertising Device.

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

“Lot” means a parcel of land which can be legally conveyed pursuant to the provisions of the Planning Act.

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

“Municipal Address” means the name and address of a place, building, business, organization, person, or occupancy of the premises it identifies.

“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 and trademarks.

“New Home Development Ground Sign” means a sign that advertises the sale of Lots 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 developments.

“Official Sign” means any sign required by a valid federal or provincial statute or regulation or by a municipal by-law and shall include a traffic sign a permanent
sign erected on a public road allowance 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 shall not include a new development sign.

“Owner” means the registered owner of the lands or premises, or the Person or the Person’s authorized agent in lawful control of a premises, building, occupancy, sign or other structure.

“Parapet Sign” means a Sign attached to the parapet of a building and shall consist only of a company’s logo or name.

“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, placard and Election Sign.

“Poster Sleeve” means a collar or other protective covering or identifier fitted by the City to a Designated Light Standard.

“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 Lot and includes all buildings and structures thereon.

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

“Public Information Sign” means a sign erected by or under the jurisdiction of a government agency and includes signs designating, a public library, a public community centre, a public arena, and signs required by the City to inform the public of planning applications submitted under the Planning Act.

“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 premises and advertising the sale, rent, or lease of the premises.

“Real Estate Development Sign” means a sign advertising the development of the Property on which the sign is located.

“Repair and Maintain” means anything done to preserve the condition of a sign or to prevent the deterioration of the sign and includes the restoration of a sign by removing or replacing worn out, missing, damaged or broken parts.

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

“Sidewalk Sign” means a freestanding sign erected on but not permanently anchored on a public sidewalk and includes an A-Frame Sign.

“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 or notice.

“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. 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.

“Sign Structure” means anything used to support or brace a Sign face and which is attached to the ground or a building or structure.

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

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

“Temporary Personal Sign” means a non-illuminated Sign displaying a personal announcement or congratulatory message.
“Unsafe” when used with respect to a Sign or Sign Structure means a condition which is structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist.

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

“Vacant” means a Lot separately assessed that does not have any building thereon.

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

“Visibility Triangle” means the triangular space formed within a Lot 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, or any other Visibility Triangle within a Lot that is set out in a zoning by-law, site plan agreement, or is otherwise approved by the City.

“Wall Sign” means a Sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes a Canopy Sign. A wall Sign shall not include any other Sign defined in this By-law unless otherwise stated.

“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 and which is intended to be seen from off the premises.

“Zone” means any land use zone established in zoning by-laws of the City of Hamilton and passed under The Planning Act, 1990, R.S.O. 1990, Chapter P.13, or any predecessor or successor thereof.

SECTION 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 will be responsible for the administration and enforcement of this By-law on all public and private Property within the limits of the City.

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 A permit is required for any Sign erected, located, or displayed within the City with the exception of the Signs listed in Schedule “B” to this By-law.

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;
(b) All plans, drawing and other materials as required by the City;
(c) All applicable 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 premises where the Sign will be erected or displayed.
(e) Where applicable, proof of approval for the proposed Sign from all governmental authorities having jurisdiction.

3.3.4 Application fees are non-refundable.

3.3.5 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 land or premises on which the proposed Sign is to be located and the nearest major Street intersection;
(b) A site plan showing the Lot or Property where the Sign is to be erected or displayed, drawn to scale showing the dimensions of all Lot lines, existing or proposed buildings, location of proposed Signs, and location of all existing Signs on the same Lot;
(c) Drawings and specifications of the Sign drawn to scale and showing sections and elevations of the Sign to be erected, construction details, supporting framework, foundations, materials, illumination details, Height of Sign, Sign Area, length and Width of Sign;
(d) Sufficient information that the Chief Building Official can 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.
3.3.6 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.

3.3.7 The application of the Ontario Building Code to any sign permit application will be considered by the City and where required, any sign permit issued pursuant to this By-law will satisfy the requirements of the Ontario Building Code for a building permit.

3.3.8 If required, a Person shall obtain approval for the proposed Sign from other governmental authorities having jurisdiction.

3.3.9 Where a Person leases or rents a Mobile Sign, it shall be only leased or rented from a sign company licensed by the City.

3.4 Sign Permit Refusal, Expiry, or Renewal

3.4.1 A permit may be refused and may be revoked, if the proposed Sign does not comply with this or any other By-law.

3.4.2 A permit issued by the City shall expire six months from the date of issuance unless the Sign is erected for its intended purpose and the permit shall become null and void upon the removal of the Sign.

3.4.3 Where a 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 other regulations existing at the time of renewal.

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

(a) The City issued the permit in error;
(b) The Sign does not comply with this By-law, the Ontario Building Code, or any other applicable regulation or legislation;
(c) The City issued the permit as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application;
(d) Where erection of the Sign has not commenced within six months after the issuance of the permit;
(e) Where erection 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.

3.5 Existing Signs

3.5.1 Any Sign that is lawfully erected or displayed on the day this By-law comes into force may continue to be erected or displayed provided it is not Altered in a
manner that would bring it into or increase its non-compliance with the regulations of this By-law.

SECTION 4.0
GENERAL PROHIBITIONS AND REGULATIONS

4.1 No Person shall erect or display or cause to be erected or displayed:

(a) A Sign without a permit if a permit is required under this By-law;
(b) A Sign for which a permit has been obtained except in accordance with the approved plans and drawings submitted as part of the permit application;
(c) A Sign in a manner that is not in accordance with the regulations of this By-law or the conditions of any variance granted under this By-law;
(d) A Sign which is not specifically permitted under this By-law;
(e) A Sign which is on City Property except in accordance with this By-law;
(f) A Sign that obstructs the view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic Sign or device, or where the Sign interferes with vehicular traffic in a manner that could endanger any Person;
(g) An illuminated Sign of which the illumination is onto any adjacent Property or the path of vehicular traffic;
(h) A Sign that is not maintained in a proper state of repair so that such Sign becomes Unsafe or unsightly;
(i) A Sign which is not in compliance with this By-law or which the Designated Official has directed be removed, altered, or repaired.

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

SECTION 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) An Abandoned or Obsolete Sign;
(b) A flashing or Animated Sign, with the exception of an Electronic Message Display as permitted under this By-law;
(c) A Projecting Sign except as permitted under this By-law;
(d) A Roof Sign;
(e) A Sign located within a Visibility Triangle;
(f) A 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;
(g) A Sign which obstructs or is located in a parking space required by a zoning by-law.

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 for the use of a Property under Schedule “C”, it shall be deemed to be prohibited within that Zone or on that Property.

5.2 **Ground Signs**

No Person shall erect, locate, or display a Ground Sign other than in accordance with Schedule “C”, the general regulations applicable under this By-law, and the following regulations.

5.2.1 A Ground Sign in a commercial or industrial Zone shall display on the top or bottom of the Ground Sign, the Municipal Address number in numerals that are a minimum Height of 15 centimetres.

5.2.2 No Ground Sign higher than 0.8 metres shall be located within a Visibility Triangle.

5.2.3 No Ground Sign shall be located within 15.0 metres of a traffic light.

5.2.4 A Ground Sign shall be located 1.5 metres from any Property Line or a distance equal to 75% of the Height of the Ground Sign, whichever is greater.

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

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

5.2.7 A message displayed on an Electronic Message Display shall be displayed for a minimum of three (3) seconds without movement or change in colour or intensity of illumination.

5.2.8 A Ground Sign shall be located along the same Street Frontage used to calculate the maximum Sign Area of the Ground Sign.

5.2.9 Where more than one Ground Sign is located parallel to a Street Frontage, no Ground Sign shall be located within 200 metres of another Ground Sign on the same Lot.
5.3 **Wall Signs**

No Person shall erect, locate, or display a Wall Sign other than in accordance with Schedule “C”, the general regulations applicable under this By-law, and the following regulations.

5.3.1 No Wall Sign shall extend beyond the extremity of the wall Facade on which it is mounted.

5.3.2 No Wall Sign shall project more than 60 centimetres from the wall to which it is attached.

5.3.4 A Wall Sign erected on a building above a location where the public passes, shall located not be less than 2.5 metres above the finished Grade below the Sign.

5.3.5 A Wall Sign shall be parallel to the wall to which it is attached.

5.3.6 A Wall Sign shall be mounted on the same building Facade used to calculate the maximum Sign Area of the Wall Sign.

5.3.7 In a multi-tenant building the area of Wall Signs for tenants shall be in proportion to the linear distance such tenant controls on the applicable wall Facade.

5.4 **Projecting Signs**

No Person shall erect, locate, or display a Projecting Sign other than in accordance with Schedule “C”, the general regulations applicable under this By-law, and the following regulations.

5.4.1 The Owner of a Projecting Sign that overhangs a public right of way under the jurisdiction of the City shall enter into an encroachment agreement with the City.

5.4.2 No portion of a Projecting Sign shall be less than 2.5 metres above the finished Grade below the sign.

5.5 **Mobile Signs**

No Person shall erect, locate, or display a Mobile Sign other than in accordance with Schedule “C”, the general regulations applicable under this By-law, and the following regulations.

5.5.1 A permit for a Mobile Sign shall be valid for a period of 30 consecutive days.

5.5.2 A single business shall be issued no more than three Mobile Sign permits for a single Property in a calendar year.
5.5.3 If a permit for a Mobile Sign has been issued for a Property, a subsequent permit will not be issued until at least a 15 day hiatus period has elapsed from the date of expiry of the previous permit.

5.5.4 A Mobile Sign shall have a maximum of two sign faces. A permit may be issued for each sign face to a different business.

5.5.5 An application for a Mobile Sign permit shall be submitted no earlier than 30 days prior to the intended date the permit shall be in effect.

5.5.6 Applications for Mobile Sign permits on a Property shall be processed by the City 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.

5.5.7 A Mobile Sign shall be located entirely on private Property and only in the front or exterior side yard of a Lot.

5.5.8 A Mobile Sign is shall not be located on a Vacant Property.

5.5.9 A Mobile Sign shall be located on the Property where the business or activity the sign is advertising is located.

5.5.10 A Mobile Sign shall not exceed a maximum area of 4.4 m² per sign face for a commercial or industrial use and 1.8 m² for an institutional use.

5.5.11 A Mobile Sign shall not exceed 2.7 metres in Height for the entire Mobile Sign Structure.

5.5.12 A Mobile Sign shall be no greater than 2.4 metres in any dimension.

5.5.13 A maximum of two (2) Mobile Signs shall be erected on a Lot at any one time.

5.5.14 A minimum distance of 50.0 metres shall separate any Mobile Signs on a Lot.

5.5.15 A Mobile Sign shall not be located within:
(a) 10.0 metres from a Ground Sign on the same Property;
(b) 15.0 metres from an intersection or traffic signal;
(c) 3.0 metres from a driveway or side Lot line;
(d) 3.0 metres from side Lot line;
(e) 1.5 metres from a Street Line;
(f) Any parking space required under a zoning by-law.

5.5.16 A Mobile Sign shall display the name and telephone number of the Owner of the Sign in a clearly visible location.
5.5.17 A Mobile Sign shall display a Validation Marker issued by the City in a clearly visible location.

5.5.18 A Mobile Sign shall not be illuminated or animated and shall create no noise or motion.

5.5.19 The Copy and message board of the Mobile Sign shall be only black on white or white on black.

5.5.20 Section 5.5.17 shall not come into effect until one year after the passage and enactment of this By-law.

5.5.21 A Mobile Sign shall not be located on a Property within the Downtown Community Improvement Project Area or on a Property located within the boundaries of a Business Improvement Area or on a Property located within the Ancaster Village Core Area.

5.6 Banners

5.6.1 A Banner shall not exceed 6.0 m² in Sign Area and 1.0 metre in Height.

5.6.2 A Banner shall not be erected or displayed on a Property for more than 30 days.

5.6.3 A Banner advertising a special event organized by a Charity or Community Organization may be erected on fencing adjacent to a street with the permission of the owner of the Property on which the fence is located.

5.7 A-Frame Signs

5.7.1 An A-Frame Sign shall be no more than 0.6 metres in Width and 0.8 metres in Height.

5.7.2 An A-Frame Sign shall be located against the front wall of the business it is advertising where the Sign is located on private Property.

5.8 Sidewalk Signs

5.8.1 A Sidewalk Sign shall be no more than 0.6 metres in Width and 0.8 metres in Height.

5.8.2 Where a Sidewalk Sign is located on a public sidewalk, it shall be located adjacent to the curb opposite the business provided or against the front wall of the business it is advertising provided the Sidewalk Sign maintains a minimum 1.5 metres of unobstructed sidewalk and the Sign does not conflict with any urban braille system.
5.8.3 No Person shall display a Sidewalk Sign except during the hours of operation of the business the sign applies to.

5.8.4 A Sidewalk Sign located on a public sidewalk shall require a permit issued by the City and the permit shall be valid for one (1) calendar year.

5.8.5 A Sidewalk Sign located on a public sidewalk shall display a Validation Marker and the Owner of the Sign shall satisfy the City’s requirements for general liability.

5.9 **Inflatable Signs**

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

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

5.9.3 An Inflatable Sign shall be a maximum of 7.0 metres in Height and 6.0 metres in Width.

5.9.4 An Inflatable Sign shall be located a minimum of 50 metres from a Mobile Sign.

5.9.5 An application for a permit for an Inflatable Sign shall provide information satisfactory to the Designated Official on how the Sign is to be secured to its base and shall satisfy the City’s requirements for general liability.

5.10 **Real Estate Development Signs**

5.10.1 A Real Estate Development Sign shall be located on the Property under development and shall not exceed the lesser of 12.0 m² or 0.25 m² of Sign Area per linear metre of Street Frontage.

5.10.2 One Real Estate Development Sign shall be permitted for each 300 metres of Street Frontage and shall be located no closer than 300 metres from any other Real Estate Development Sign on the Property.

5.11 **New Home Development Ground Signs**

5.11.1 A New Home Development Ground Sign shall only be permitted to be erected after draft plan approval has been granted to the plan of subdivision it advertises.

5.11.2 A maximum of two (2) New Home Development Ground Signs may be located in a subdivision and no more than two (2) Subdivision Ground Signs may be located outside the subdivision on private Property with the approval of the Owner of the Property.
5.11.3 A New Home Development Ground Sign shall not exceed a maximum area of 18.0 m².

5.11.4 In addition to a New Home Development Ground Sign, a maximum of one (1) model home Sign for each model home may be located within a subdivision provided the model home Sign is not more than 3.0 m² in area.

5.11.5 A New Home Development Ground Sign shall be removed 30 days after the date that the sale of homes in the subdivision has ended.

5.12 New Home Development Portable Signs

5.12.1 A New Home Development Portable Sign may be placed on the untravelled portion of a Street provided:

(a) The area of the Sign does not exceed 1.2 m²;
(b) The Height of the Sign does not exceed 1.2 m;
(c) The Sign is not illuminated or animated and contains no device that creates noise or motion;
(d) The Sign is displayed no earlier than 7:00 p.m. on any Friday and removed by no later than 6:00 a.m. of the following Monday, provide that where a statutory holiday falls on a Friday, the Sign shall be displayed no earlier than 7:00 p.m. on the preceding Thursday, and where a statutory holiday falls on a Monday, the Sign shall be removed by no later than 6:00 a.m. on the following Tuesday;
(e) The Sign is not placed in a location which impairs or obstructs the visibility or movement of vehicular or pedestrian traffic, or the visibility of warning devices, railway, traffic or municipal Street Signs;
(f) The Sign is not located on a traffic island or median or attached to a light standard or utility pole;
(g) The Sign displays a Validation Marker issued by the City as evidence that a permit has been obtained under this By-law;
(h) The Owner of the Sign has satisfied the liability insurance requirements of the City;
(i) A maximum of ten (10) permits are issued for Signs from one development;
(j) The maximum number of Signs permitted at each intersection shall be three (3) Signs on any one corner of an intersection and a builder shall use no more than one (1) Sign on each corner.
(k) The Sign is located 1.5 metres from the curb or edge of the travelled portion of the roadway where there is no curb;
(l) The Sign is not located on a public sidewalk.
(m) The Sign is located 3.0 metres from a driveway entrance or exit.

5.13 Poster Signs

5.13.1 No Person shall erect, locate, or display a Poster other than in accordance with Schedule “B” and the general regulations applicable under this By-law.
5.13.2 The City may remove and dispose of lawfully and unlawfully placed Posters without notice or compensation in accordance with the City’s regular maintenance activities.

5.14 **Election Signs**

5.14.1 The maximum size of an Election Sign is 1.5 m² for each Sign Face.

5.14.2 No person or his agent shall erect, install or otherwise use an Election Sign unless it is located on private Property.

5.14.3 Election Signs associated with a federal or provincial election shall not be erected or displayed earlier than the date the writ of election is issued, with the exception of signage at a campaign headquarters.

5.14.4 Election Signs associated with a municipal election shall not be erected or installed earlier than 28 days prior to voting day, with the exception of signage at a campaign headquarters.

5.14.5 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.

5.14.6 All Election Signs shall be removed no later than three (3) days following the voting day of the election for which the Sign was erected or installed. For the purpose of this subsection, the candidate shall be responsible for the removal of his Election Signs within the prescribed time.

5.15 **Advertising Signs**

5.15.1 No Person shall erect, locate, or display an Advertising Sign other than in accordance with Schedule “C”, the general regulations applicable under this By-law, and the following regulations:

(a) The Advertising Sign is not located within 400 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 Advertising Sign is not located on a Property within the Downtown Community Improvement Project Area.

(c) The Advertising Sign is located a minimum 300 metres from another Advertising Sign.

(d) The Advertising Sign is located a minimum of 300 metres from any residentially Zoned Property.

(e) The Advertising Sign is not animated.

(f) The maximum Sign Area of an Advertising Sign shall be 18.0 m².

(g) The maximum Height of an Advertising Sign shall be 18 metres.

(h) The Advertising Sign has a maximum Width of 4.0 metres.
(i) The Advertising Sign is located on Vacant undeveloped Property Zoned commercial or industrial.

SECTION 6.0
VARIANCES

6.1 An application for variance from the provision of this By-law shall be made on the appropriate form and shall be accompanied by the appropriate fee, as set out in Schedule “A.”

6.2 Council may delegate the approval of an application for a variance to a City official.

6.3 The City may authorize a variance if in its opinion, the general intent and purpose of the By-law are maintained.

6.4 In considering an application for a variance, the City 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 preexisting and not created by the Owner or applicant.
(d) Whether the Sign that is subject of the variance will alter the essential character of the area.

6.5 An applicant may appeal the decision of a City official on the variance application to the Planning and Economic Development Committee.

6.6 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 will not be entitled to further notice in the proceeding.

6.7 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.
SECTION 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, R.S.O. 1990, c. P.33, as amended, 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 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 without notice.

7.4 Where a Sign is erected 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.

7.5 Where a Sign does not comply with this By-law or a permit issued under this By-law, the Designated Official shall by notice, require the Sign Owner to remove or bring the Sign into conformity in the manner and within the time specified in the notice.

7.6 The notice mentioned in Section 7.5 may be given:

(a) By personal service upon the party being served, or,
(b) By prepaid registered mail sent to the last address of the party being served, shown on the records of the City, or,
(c) By prominently posting a Copy of the notice either on the Sign in respect of which the notice is given, or on the land upon which the Sign is located.

7.7 Where notice is given 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 notice.

7.8 If the Sign Owner does not comply with the notice referred to in Section 7.5 within the time specified in the notice, the Designated Official may order the Sign Owner to remove the Sign and restore the site in the manner and within the time specified in the order.

7.9 The order mentioned in Section 7.8 may be served:

(a) By Personal service upon the party being served, or,
(b) By prepaid registered mail sent to the last address of the party being served, shown on the records of the City, 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 land upon which the Sign is located.

7.10 Where the order is served in accordance with Section 7.9 it is deemed to have been received by the party being served upon the mailing or posting of the order.

7.11 Where a Sign is not removed or a site is not restored as required by an order under Section 7.8, the Designated Official may have the Sign removed and the site restored. For this purpose, the Designated Official, an inspector and their contractor or other agent may enter upon the Lot and premises at any reasonable time.

7.12 The cost incurred by the City in removing a Sign or restoring a site under Section 7.11 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 in removing a Sign or restoring a site under Section 7.11 is a debt due the City of Hamilton and may be recovered in any court of competent jurisdiction.

7.13 Any Sign removed by the City shall be stored by the City for 30 days, during which time the Sign Owner may redeem such Sign upon payment of the applicable fee prescribed on Schedule “A.”

7.14 Where a Sign has been removed by the City and stored for a period of 30 days and has not been redeemed by the Sign Owner, such Sign may be destroyed or otherwise disposed of by the City after thirty 30 days without notice or compensation.

SECTION 8.0
CONFLICT

8.1 Where a provision of this By-law conflicts with a provision of any applicable government regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

8.2 Where a provision of this By-law conflicts with any other By-law, the By-law which carries the higher standard shall prevail.

SECTION 9.0
VALIDITY

9.1 If a court of competent jurisdiction declares any 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.
SECTION 10.0
REPEAL

10.1 The By-laws listed on Schedule “D” are hereby repealed.

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

___________________________________ ________________________________
CITY CLERK    MAYOR
### A. PERMITS FOR SIGNS

<table>
<thead>
<tr>
<th>SIGN TYPE</th>
<th>SIGN AREA</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Sign</td>
<td>Up to 2.5 m²</td>
<td>$150.00</td>
</tr>
<tr>
<td>New Home Development Ground Sign</td>
<td>Over 2.5 m² but not over 4.0 m²</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Over 4.0 m²</td>
<td>$500.00</td>
</tr>
<tr>
<td>Wall, Awning, Canopy, Parapet and Projecting Signs</td>
<td>-</td>
<td>$250.00</td>
</tr>
<tr>
<td>Advertising Sign</td>
<td>-</td>
<td>$500.00</td>
</tr>
<tr>
<td>Mobile Sign</td>
<td>-</td>
<td>$100.00 for 30 days</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>-</td>
<td>$75.00 per year</td>
</tr>
<tr>
<td>Inflatable Sign and Banner</td>
<td>-</td>
<td>$50.00</td>
</tr>
<tr>
<td>New Home Development Portable Sign</td>
<td>-</td>
<td>$50.00 per year</td>
</tr>
</tbody>
</table>

### B. SIGN VARIANCE APPLICATION

- Fee: $670.00
- Fee for a Sign Erected Without a Permit: $970.00

### C. ENFORCEMENT FEES

- Removal of an Unlawful Permanent Sign: $200.00 per Sign or the actual cost of removing the Sign, whichever is greater
- Storage Charge for an Unlawful Permanent Sign: $50.00 per Sign per day
- Removal of an Unlawful Mobile Sign: $200.00 per Sign or the actual cost of removing the Sign, whichever is greater
- Storage Charge for an Unlawful Mobile Sign: $50.00 per Sign per day
- Removal of an Unlawful Portable Sign: $50.00 per Sign or the actual cost of removing the Sign, whichever is greater
- Storage Charge for an Unlawful Portable Sign: $25.00 per Sign per day
**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 Park or Cemetery</td>
<td>City Park or Cemetery</td>
<td>Subject to the provision of the City By-law governing the Park or Cemetery.</td>
</tr>
<tr>
<td>Election Sign</td>
<td>Private Property</td>
<td>Refer to Section 5.14</td>
</tr>
<tr>
<td>Commemorative Signs, plaques, or corner stones of a non-advertising nature</td>
<td>Private Property</td>
<td>Attached to the wall of the building.</td>
</tr>
<tr>
<td>Emblems of Religious Organizations</td>
<td>Private Property</td>
<td>-</td>
</tr>
<tr>
<td>A-Frame 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.</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>Signs advertising the sale of seasonal farm produce</td>
<td>Agricultural Zone</td>
<td>Approval of the Owner of the Property.</td>
</tr>
<tr>
<td>Signs associated with an agricultural use</td>
<td>Agricultural Zone</td>
<td>Maximum Sign Area 3.0 m².</td>
</tr>
<tr>
<td>Signs erected by a non-profit agricultural society for an event or fair it operates</td>
<td>Agricultural Zone</td>
<td>Maximum Sign Area 9.0 m².</td>
</tr>
<tr>
<td>Mural</td>
<td>Commercial Zone</td>
<td>Maximum Sign Area 50% of the wall on which the mural is displayed.</td>
</tr>
<tr>
<td>Incidental Signs</td>
<td>Private Property</td>
<td>Maximum Sign Area 1.0 m².</td>
</tr>
<tr>
<td>Directional Sign</td>
<td>Private Property</td>
<td>Maximum Sign Area not exceeding 0.5 m² in and 1.2 metres in Height.</td>
</tr>
<tr>
<td>SIGN TYPE</td>
<td>LOCATION/ZONE</td>
<td>REGULATIONS</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Banner erected by a charity or community organization.</td>
<td>Private Property</td>
<td>Maximum Sign Area not exceeding 6.0 m². Dimensions not exceeding 6.0 metres by 1.0 metre.</td>
</tr>
<tr>
<td>Sign erected 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>Maximum Sign Area 1.0 m² Only erected on Property for sale or rent. Display no longer than 7 days after a firm sale is reported to the local realtors association or 7 days after the Property or space has been leased.</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>Private Property/Apartment</td>
<td>Maximum Sign Area 4.0 m² Only erected on Property for sale or rent. Display no longer than 7 days after a firm sale is reported to the local realtors association or 7 days after the Property or space has been leased.</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>Private Property Commercial/Industrial Use</td>
<td>Maximum Sign Area 4.0 m² Only erected on Property for sale or rent.</td>
</tr>
<tr>
<td>Open House Directional Sign</td>
<td></td>
<td>Maximum Sign Area 0.5 m² Not located on a traffic median, traffic island 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>Construction Information Sign</td>
<td>Private Property</td>
<td>Maximum Sign Area 10.0 m². Display no longer than 30 days after project’s completion.</td>
</tr>
<tr>
<td>SIGN TYPE</td>
<td>LOCATION/ZONE</td>
<td>REGULATIONS</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Temporary Personal Signs</td>
<td>Private Property</td>
<td>Maximum Sign Area 2.0 m². 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>
<tr>
<td>Poster</td>
<td>Community Bulletin Boards or Poster Sleeve at Designated Locations</td>
<td>Paper or cardboard only. Maximum Sign Area 22 cm by 28 cm. Only affixed by tape. Maximum one Poster for each event or announcement. Maximum display period of 21 days or not more than five days after the end of the advertised event, whichever is shorter.</td>
</tr>
<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 Sign Requiring Permits

A permit shall be required for the following signs:

<table>
<thead>
<tr>
<th>Zone/Use</th>
<th>Maximum Number</th>
<th>Maximum Sign Area</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ground Sign</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Zones except Residential</td>
<td>Separation of 200 metres between each Ground Sign parallel with the Frontage on a public Street</td>
<td>0.3 times the Lot Frontage on which the Sign is located to a maximum area of 18 m² for each Sign Face</td>
<td>3.5 metres (Sign Area less than 4.0 m²)</td>
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<td></td>
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<td></td>
<td>6.0 metres (Sign Area 4.0 m² to 6.0 m²)</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>7.5 metres (Sign Area over 6.0 m²)</td>
</tr>
<tr>
<td><strong>Wall Sign</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Zones except Residential</td>
<td></td>
<td>15% of the building elevation on which the Sign is erected</td>
<td>-</td>
</tr>
<tr>
<td><strong>Canopy and Awning Signs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Zones except Residential</td>
<td></td>
<td>Graphic or lettering limited to 15% of the surface</td>
<td>-</td>
</tr>
<tr>
<td><strong>Parapet Sign</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>All Zones except Residential</td>
<td>1 for each side of a building</td>
<td>15% of the parapet</td>
<td>-</td>
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<tr>
<td><strong>Projecting Sign</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Commercial Zones</td>
<td>1</td>
<td>1.0 m²</td>
<td>-</td>
</tr>
<tr>
<td><strong>Advertising Sign</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial and Industrial Zones on Vacant and undeveloped Property</td>
<td>1 per Property. 300 metre separation between Advertising Signs.</td>
<td>18.0 m²</td>
<td>12 metres</td>
</tr>
<tr>
<td><strong>Mobile Sign</strong></td>
<td></td>
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<tr>
<td>Commercial, Industrial, and Institutional Zones</td>
<td></td>
<td>Refer to Section 5.5</td>
<td></td>
</tr>
<tr>
<td><strong>Banner</strong></td>
<td></td>
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<tr>
<td>Commercial, Industrial, and Institutional Zones</td>
<td></td>
<td>Refer to Section 5.6</td>
<td></td>
</tr>
<tr>
<td>Zone/Use</td>
<td>Maximum Number</td>
<td>Maximum Sign Area</td>
<td>Maximum Height</td>
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<td>----------------------------------</td>
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<tr>
<td>Commercial Zones</td>
<td></td>
<td>Refer to Section 5.8</td>
<td></td>
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<tr>
<td><strong>New Home Development Ground Sign</strong></td>
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<tr>
<td>Residential and Commercial Zones</td>
<td></td>
<td>Refer to Section 5.11</td>
<td></td>
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<tr>
<td><strong>New Home Development Portable Sign</strong></td>
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<tr>
<td>Residential and Commercial Zones</td>
<td></td>
<td>Refer to Section 5.12</td>
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**SCHEDULE “D” TO BY-LAW NO. 06-_____**

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

<table>
<thead>
<tr>
<th>Town of Ancaster</th>
<th>By-law 95-50</th>
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<tr>
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<td>By-law 95-51</td>
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<tr>
<td>Town of Dundas</td>
<td>By-law 3094-79, as amended</td>
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<td>By-law 3559-85</td>
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<td>Town of Flamborough</td>
<td>By-law 97-67-S</td>
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<td>Township of Glanbrook</td>
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<td>City of Hamilton</td>
<td>By-law 97-206</td>
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<td>City of Stoney Creek</td>
<td>By-law 3042-89, as amended</td>
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