

CITY OF HAMILTON

HAMILTON SIGN BY-LAW

BY-LAW NO. 10-197

CONSOLIDATION

This By-law is a consolidated version and includes amendments made by those amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

**CITY OF HAMILTON SIGN BY-LAW
CONSOLIDATED BY-LAW NO. 10-197**

Incorporating amendments made by:

By-Law No:	Effective Date:	
10-316	December 15, 2010	Technical and housekeeping amendment
11-230	September 28, 2011	Technical and housekeeping amendments
16-284	October 26, 2016	Amendments respecting Digital Billboards
17-026	February 28, 2017	Amendments to Section 3.4 – Existing Signs
18-026	February 14, 2018	Amendments to Section 15.11.2(c) branding signs (construction hoarding)
22-031	February 23, 2022	

City of Hamilton Sign By-law 10-197

INDEX

DEFINITIONS	4
TITLE, SCOPE AND INTENT	8
Title	8
Scope	8
Intent	9
INTERPRETATION AND ADMINISTRATION	9
Administration	10
Permits	10
Sign Permit Refusal, Expiry or Renewal.....	11
Existing Signs	11
Refunds	12
GENERAL PROHIBITIONS AND REGULATIONS	12
REGULATIONS FOR PARTICULAR TYPES OF SIGNS	13
Prohibited Signs	13
Ground Signs, including Construction Information Ground Signs ...	14
Wall Signs, including Projecting Signs	16
Mobile Signs	17
Banners	19
Banners Temporary Signs, including Agricultural Produce	
Portable Signs, Corrugated Plastic Type Signs, New Home	
Development Signs and Sidewalk Signs	20
Inflatable Signs	22
Posters	23
Election Signs	23
Billboards	25
Digital Billboards	25
Other Signs	26
VARIANCES	29
PENALTIES AND ENFORCEMENT	30
CONFLICT	32
VALIDITY	32
TRANSITION AND REPEAL.....	32
EFFECTIVE DATE	33

**CITY OF HAMILTON HAMILTON
SIGN BY-LAW**

CONSOLIDATED BY-LAW NO. 10-197, as Amended

A By-Law repealing and replacing By-law No. 06-243 respecting Signs within the City of Hamilton

WHEREAS Council desires to pass a by-law respecting signs in the City of Hamilton;

AND WHEREAS Sections 8, 9 and 10 of the Municipal Act, 2001 authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular Paragraph 10 of Subsection 10(2) authorizes by-laws respecting signs;

AND WHEREAS subsection 8(3) of the Municipal Act, 2001 provides that a by-law under section 10 of that Act respecting a matter may regulate or prohibit, may require a person to do things, and may provide for a system of permits;

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

AND WHEREAS Section 425 of the Municipal Act, 2001 authorizes the City of Hamilton to pass By-laws providing that a person who contravenes a By-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the Municipal Act, 2001 further authorizes the City of Hamilton, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

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

PART 1.0

DEFINITIONS

1.1 In this By-law:

“advertising device” means any object displayed so as to attract public attention to any goods, services, facilities or events, including but not limited to flags, banners and lights;

“Agricultural Produce Portable Sign” means a Temporary Sign that is a freestanding sign which is typically shaped like an “A” or a “T” with one or two sign faces that is intended to direct attention to the sale of agricultural produce in an agricultural zone;

“Banner” means a sign that is temporary, is capable of being readily removed and is made from cloth, plastic or a similar lightweight non-rigid material;

“Billboard” means a sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure, displays copy advertising goods, products, or services not sold or offered on the property where the sign is displayed and is either single faced or double faced but does not include a Digital Billboard or⁽¹⁶⁻²⁸⁴⁾ Ground Sign;

“Business Improvement Area” means an area designated by the City as an improvement area under the Municipal Act, 2001;

Updated: February 22, 2022

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

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

“City” means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;

“community organization” means a not for profit group of persons organized for the advancement of a civic, cultural, social, health, philanthropic or recreational purpose within the City;.

“Construction Information Ground Sign” means a Ground Sign that identifies or provides information relating to or advertising a development or construction project;

“copy” means the graphic content of a sign surface in either permanent or changeable letter, pictorial, symbolic, or numeric form;

“Corrugated Plastic Type Sign” means a Temporary Sign that is secured to a light standard or other such structure with one or two sign faces and made of coroplast or similar material;

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

“Digital Billboard” means a sign that is free standing and is supported by a structure secured to the ground and which is not supported by any building or other structure, displays copy advertising goods, products or services not sold or offered on the property where the sign is displayed by means of a digital or electronic screen and is either single faced or double faced, but does not include a Billboard or Ground Sign;⁽¹⁶⁻²⁸⁴⁾

“Director” means the Senior Director of the Parking and By-law Enforcement Division of the City’s Planning and Economic Development Department and/or his or her designate or successor;

“display” in any form includes “erect” and “locate”;

“driveway line” means the line forming a boundary between that portion of a property not normally used by vehicular traffic and the lateral limit of a driveway;

“electronic message display” means that part of a sign composed of electronically controlled copy;

“frontage” means the length of the property line of any one property parallel to and along each street;

“General Manager” means the General Manager of the City’s Planning and Economic Development Department;

“grade” means the average surface elevation of the finished ground below a sign;

“Ground Sign” means a sign that is free standing and is supported by a structure secured to

the ground and which is not supported by any building or other structure but does not include a Billboard or Digital Billboard;⁽¹⁶⁻²⁸⁴⁾

“height” means the vertical distance measured from the average elevation of the grade immediately below a sign to the highest point of the sign and includes any support structure or ornamental feature;

“Inflatable Sign” means a sign that is temporary, is filled with air or gas and tethered to the ground, a vehicle or any structure and includes, but is not limited to, balloons and any other inflatable sign;

“Mobile Sign” means a sign that is temporary, is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels but does not include a Temporary Sign;

“New Home Development Portable Sign” means a Temporary Sign that is a freestanding sign which is typically shaped like an “A” or a “T” with one or two sign faces that is intended to direct attention to the sale of new home developments;

“officer” means a Municipal Law Enforcement Officer appointed under any City by-law or any other person assigned or appointed by the Director to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“owner of the property” means the registered owner of the property, or the person or the person’s authorized agent in lawful control of a property;

“person” includes 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;

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

“poster sleeve” means a collar or other protective covering or identifier fitted by the City to a utility pole for the purpose of displaying Posters;

“Projecting Sign” means a Wall Sign that projects out horizontally from the wall more than 60 cm;

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

“property line” means the boundary of a property;

“readograph” means that part of a sign composed of changeable letters intended to convey a temporary message and which is designed or constructed so that the copy on the sign may be easily changed and rearranged mechanically not including electronically;

“Sidewalk Sign” means a Temporary Sign that is a free-standing sign which is typically shaped like an “A” or a “T” with one or two sign faces;

“sign” means any surface, structure and other component parts, which are used or capable of

being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device;

“**sign area**” means the entire area of the surface of a sign including the border or frame where copy may be displayed and includes any material forming an integral part of the background or used to differentiate the sign from the backdrop or building against which it is displayed. Where there is no border or frame or the sign is composed of individually installed letters, numerals or shapes, the sign area includes 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 kiosk**” means a kiosk erected by the City in a Business Improvement Area for the purpose of displaying Posters;

“**sign owner**” includes any person described on the sign, whose name, address or telephone number appears on the sign, who installed the sign, who owns the property where the sign is displayed, or who benefits from the message on the sign, and for the purposes of this definition, there may be more than one sign owner;

“**street**” means any public highway but does not include a provincial highway;

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

“**street line**” means a property line that divides a property from a street;

“**Temporary Sign**” means an Agricultural Produce Portable Sign, Corrugated Plastic Type Sign, New Home Development Portable Sign or Sidewalk Sign but does not include a Mobile Sign;

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

“**vacant**” means a property separately assessed that does not have any building or any occupied building thereon;

“**visibility triangle**” means the triangular area formed within a property by the intersection of 2 street lines or of a street line and a driveway line or the projections thereof and a straight line connecting them 6.0 m from their point of intersection, as shown in Schedule A;

“**Wall Sign**” means a sign displayed on or against a wall of a building, or supported by or through a wall of a building;

“**width**” means the measurement taken at right angles to the height;

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

PART 2.0

TITLE, SCOPE AND INTENT OF SIGN BY-LAW

Updated: February 22, 2022

2.1 TITLE

This By-law may be cited as the “Hamilton Sign By-law” or the “Sign By-law”.

2.2 SCOPE

- 2.2.1 This By-law regulates the location, size, number, construction, alteration, repair and maintenance of all outdoor signs within the City.
- 2.2.2 All signs located on public and private property within the City are subject to the provisions of this By-law.
- 2.2.3 Signs located within the City may be subject to the provisions of by-laws in addition to this By-law, statutes or regulations, including, but not limited to: the provisions Ontario Heritage Act requiring a permit for the alteration of designated properties or properties located in a heritage conservation district; provisions of the City’s zoning by-laws such as those prohibiting signs in required landscaped areas or planting strips; and Conservation Authority or Niagara Escarpment Commission requirements.
- 2.2.4 This By-law does not apply to signs displayed, or permitted to be displayed by federal, provincial or municipal governments, a conservation authority or other local board as defined in the Municipal Act, 2001, including, but not limited to, signs required by a federal or provincial statute or regulation or by a municipal by-law, such as: a traffic sign; a street name sign; a permanent sign displayed on a street to inform the public of the location of Business Improvement Areas, public buildings, hospitals, public libraries, institutions, places of worship, parks, recreational or educational facilities; a sign designating a public library, a public community centre, a public arena; a sign required by the City to inform the public of planning applications submitted under the Planning Act; a Tourism Ontario Destination sign; a Trailblazer sign and a sign displayed for the purposes of public safety or convenience.
- 2.2.5 Notwithstanding subsection 2.2.4, the applicable regulations under this By-law shall apply with necessary modifications for signs on City property that function as Ground Signs, Wall Signs or Projecting Signs and no permit is required under this By-law for such signs.
- 2.2.6 Notwithstanding subsection 2.2.4, the applicable regulations under this By-law shall apply with necessary modifications for signs displayed under a permit issued in accordance with section 34 or section 38 of the *Public Transportation and Highway Improvement Act* and a permit is required under this By-law for such signs.

2.3 INTENT

The purpose of this By-law is to regulate signs in the City 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;
- (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.

PART 3.0

INTERPRETATION AND ADMINISTRATION

3.1 ADMINISTRATION

- 3.1.1 The Director shall be responsible for the administration and enforcement of this By-law on all public and private property within the City.
- 3.1.2 The Director or an officer 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.

3.2 PERMITS

- 3.2.1 Every person displaying:
 - (a) a Ground Sign;
 - (b) a Wall Sign;
 - (c) a Mobile Sign;
 - (d) a Banner, except for a Banner advertising a charity's or community organization's activities or with a sign area of less than 1 m²;
 - (e) a Temporary Sign, except a Sidewalk Sign on private property;
 - (f) an Inflatable Sign;
 - (g) a Billboard,
 - (h) a Digital Billboard;⁽¹⁶⁻²⁸⁴⁾

within the City shall apply for and obtain a permit before displaying their sign.

- 3.2.2 Every person applying for a sign permit shall provide to the Director or, where a building permit is required, the Chief Building Official with:
 - (a) a completed application form as prescribed by the City;
 - (b) all plans, drawings and other materials as required by the City;
 - (c) all applicable permit fees as set out in the City's User Fees and Charges By-law;
 - (d) the written authorisation of the owner of the property where the person applying for the sign permit is not also the owner of the property where the sign will be displayed; and
 - (e) where applicable, proof of approval for the proposed sign from all governmental authorities having jurisdiction.
- 3.2.3 An application for a sign permit shall be accompanied by plans and drawings that contain the following information:
 - (a) a key map showing the location of the property on which the proposed sign is to be located and the nearest major street intersection;
 - (b) a location plan showing the property where the sign is to be displayed, drawn to scale showing the dimensions of all property lines, existing or proposed buildings, location of proposed signs, and location of all existing signs on the same property;
 - (c) drawings and specifications of the sign drawn to scale and showing sections and elevations of the sign to be displayed, construction details, supporting framework,

foundations, materials, illumination details, height of sign, sign area, length and width of sign; and

- (d) sufficient information for the Chief Building Official to determine that the sign has been designed and will be constructed in compliance with the applicable structural provisions of the Ontario Building Code.

3.2.4 No person shall alter a sign for which a sign permit has been obtained without the prior written permission of the Director and, where a building permit also has been obtained, the prior written permission of the Chief Building Official. Such permission may be conditional on a new sign permit or building permit or both being applied for and obtained. (10-316)

3.3 SIGN PERMIT REFUSAL, EXPIRY, OR RENEWAL

3.3.1 a permit may be refused:

- (a) if the proposed sign does not comply with this By-law, any other By-law or federal or provincial statute or regulation; or
- (b) where the proposed sign is to be displayed on private property, if any other sign displayed on the property does not comply with this By-law.

3.3.2 A Billboard, Digital Billboard, (16-284) Ground Sign or Wall Sign permit issued by the City shall expire 6 months from the date of issuance unless the sign is displayed for its intended purpose and a permit shall expire upon the removal of the sign.

3.3.3 Where a Billboard, Digital Billboard, (16-284) Ground Sign or Wall Sign permit has been issued and before it has expired, an application may be made to extend the permit for a further 6 months, provided the sign continues to conform to all By-law requirements and federal or provincial statutory or regulatory requirements existing at the time of renewal.

3.3.4 The Director may revoke a permit under the following circumstances:

- (a) the permit was issued in error;
- (b) the sign does not comply with this By-law or any other by-law, the Ontario Building Code, the Ontario Heritage Act or any federal or provincial statute or regulation;
- (c) the permit was issued as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application;
- (d) the display of the sign has not commenced within 6 months after the issuance of the permit;
- (e) the display of the sign, in the opinion of the Director, has been substantially suspended or discontinued for a period of more than 1 calendar year;
- (f) the permit holder requests in writing that the permit be revoked; or
- (g) the business, product, activity or service to which the sign relates ceases to operate or is no longer available.

3.4 EXISTING SIGNS (17-026)

3.4.1 Any sign that is lawfully displayed on the day this By-law comes into force may continue to be displayed provided it is not substantially altered in a manner that would bring it into non-compliance or increase its non-compliance with this By-law.

3.4.2 Anything done to preserve the condition of a sign or to prevent the deterioration of a sign, including the restoration of a sign by removing or replacing worn out, missing,

damaged or broken parts, or a change in the message or copy displayed by the sign is not a substantial alteration.

3.4.3(1) Anything done to a Ground Sign or Wall Sign, other than anything done under subsection 3.4.2, that does not change the dimensions of the sign or the location of the sign on the property is not a substantial alteration, provided that:

- (a) a sign permit is obtained; and
- (b) in all other respects the Ground Sign or Wall Sign complies with this By-law.

(2) In addition to any other conditions contained in a sign permit issued under paragraph 3.4.3(1), the Director may include one or more conditions that improve and/or ensure the safety of the Ground Sign or Wall Sign, including but not limited to a condition that the sign not obstruct the view of pedestrians, cyclists or drivers.

3.5 REFUNDS

3.5.1 Subject to subsections 3.5.2 and 3.5.3, the Director shall determine the amount of the fees, if any, that may be refunded in accordance with the City's User Fees and Charges By-law where:

- (a) the sign permit applicant requests in writing that the sign permit application be cancelled;
- (b) the Director refuses to issue the sign permit because the sign does not comply with this By-law or any other by-law, the Ontario Building Code, the Ontario Heritage Act or any federal or provincial statute or regulation; or
- (c) the permit was issued in error.

3.5.2 There shall be no refund where:

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

3.5.3 Refunds shall only be provided for Ground Sign and Wall Sign permit applications.

PART 4.0

GENERAL PROHIBITIONS AND REGULATIONS

4.1 No person shall display or permit to be displayed a sign:

- (a) for which a permit has not been obtained, if a permit is required under this By-law;
- (b) which is not in compliance with this By-law or the conditions of any variance granted under this By-law;
- (c) which is not specifically permitted under this By-law;
- (d) which is on City property except:
 - (i) a Poster as permitted by this By-law; or ⁽²²⁻⁰³¹⁾
 - (ii) with the permission of the City;
- (e) which is on property without the permission of the owner of the property;
- (f) which obstructs the view of any pedestrian or driver of a vehicle, obstructs the visibility of any traffic signal or traffic control device, or interferes with vehicular traffic in a

- manner that could endanger any person;
 - (g) which is on any traffic signal or traffic control device;
 - (h) which illuminates any adjacent property or the path of vehicular traffic;
 - (i) which is not maintained in a proper state of repair, becomes unsightly, becomes structurally inadequate or faulty, or could be hazardous to a pedestrian or motorist;
 - (j) which the Director has directed be removed;
 - (k) which bears or displays the City logo, crest or seal in whole or in part, without the express written permission of the City; or
 - (l) which does not comply with all applicable by-laws, statutes or regulations including, but not limited to, the Ontario Heritage Act.
- 4.2 A person shall be deemed to be displaying a sign if that person is the sign owner and fails to stop the display of the sign.

PART 5.0

REGULATIONS FOR PARTICULAR TYPES OF SIGNS

5.1 PROHIBITED SIGNS

5.1.1 No person shall display or permit to be displayed:

- (a) any sign with a video screen or any flashing, kinetic, or illusionary motion, except an electronic message display as permitted under this By-law;
- (b) any sign supported entirely or partly by the roof of a building or structure and which projects above the roof;
- (c) any sign displayed within a visibility triangle;
- (d) any sign displayed on a vehicle, trailer or truck which is parked or located on property in a manner that is unrelated to its normal use as a vehicle and is more consistent with the use of the vehicle as a sign;
- (e) any sign which obstructs or is displayed in a parking space required under the City's zoning by-laws; or
- (f) any sign within 400.0 m of the right of way of Highway 403, the Queen Elizabeth Way, the Lincoln M. Alexander Parkway or the Red Hill Valley Parkway that is visible from the travelled portion of the right of way⁽¹⁰⁻³¹⁶⁾ except as otherwise permitted under this By-law;⁽¹⁶⁻²⁸⁴⁾

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

5.1.3 Where a type of sign is not specifically permitted within a particular zone or on a property with a particular zoned use, it shall be deemed to be prohibited within that zone or on that property.

5.1.4 Notwithstanding subsections 5.1.2 and 5.1.3 and subject to the approval of Council, signs on street furniture displayed pursuant to an agreement with the City are permitted.

5.2 GROUND SIGNS INCLUDING CONSTRUCTION INFORMATION GROUND SIGNS

5.2.1 No person shall display or permit to be displayed a Ground Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations

under this section of the By-law.

5.2.2 No Ground Sign shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law;
- (b) for a Construction Information Ground Sign, displayed after any applicable approval for the construction or development project under the Planning Act has been given;
- (c) for a Construction Information Ground Sign, maximum display period of not more than 28 days after construction or development is completed;

structure

- (d) embedded in a foundation in the ground to a depth of at least 1.2 metres or secured in an alternative manner that is satisfactory to the Chief Building Official;
- (e) maximum sign area of 0.3 m² for every 1.0 m of the frontage along which the Ground Sign is located, not to exceed a total sign area of 18.0 m² for a single- faced Ground Sign or 36.0 m² for a double or multi-faced Ground Sign;
- (f) maximum height of 7.5 m;

content

- (g) for a Ground Sign, except a Construction Information Ground Sign:
 - (i) includes the municipal address number of the property on which the Ground Sign is displayed shown at the top or the bottom in numerals that are a minimum height of 15.0 cm;
 - (ii) includes one or more of the following in copy that is a minimum height of 15.0 cm:
 - 1. the name of the business;
 - 2. the registered trademark of the business;
 - 3. the ownership of the business; or
 - 4. the name of the activity, product or service available;
 - (iii) and except a Ground Sign displayed on a property used for an institutional use, may allocate a maximum 50% of the sign face to a readograph or electronic message display provided that no copy displayed on an electronic message display shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination;
 - (iv) displayed on a property used for an institutional use, may allocate a maximum 75% of the sign face to a readograph or electronic message display provided that no copy displayed on an electronic message display shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination;
 - (v) may advertise a business on the property on which the Ground Sign is displayed or an activity, product or service available on that property, or a charity's or community organization's activities;
 - (vi) for a Ground Sign that is not within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area, may allocate a maximum 25% of the sign area or 1.2 m², whichever is lesser, except for an electronic message display, to advertising a business that is not on the property on which the

- Ground Sign is displayed or an activity, product or service that is not available on that property;
- (vii) for a Ground Sign that is within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area not advertising a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property;

location

- (h) not within 15.0 m of a traffic signal or traffic control device;
- (i) not within 1.5 m or a distance equal to 75% of the height of the Ground Sign, whichever is greater, of any property line;
- (j) along the same frontage used to calculate the maximum sign area;
- (k) where more than 1 Ground Sign is displayed along a frontage, not displayed within 200 m of another Ground Sign along the same frontage
- (l) notwithstanding (k):
- (i) 1 Construction Information Ground Sign;
 - (ii) 1 Ground Sign which provides courtesy or directional information only, such as a menu board or clearance sign;
 - (iii) or both,
- are permitted; (10-316)
- (m) for a Construction Information Ground Sign, maximum of 2 for any single development or construction project;
- (n) for a Ground Sign, except a Construction Information Ground Sign, permitted in all zones except where the use of the property is for one or more of the following uses:
- (i) a Single Detached Dwelling;
 - (ii) a Semi Detached Dwelling;
 - (iii) a Duplex;
 - (iv) a Triplex;
 - (v) a Fourplex or Quadruplex;
 - (vi) a Street Townhouse;
 - (vii) a Mobile Home;
 - (viii) a Residential Care Facility for 6 or less residents;
 - (ix) a Lodging House for 6 or less lodgers;
 - (x) a Retirement Home for 6 or less residents; or
 - (xi) an Emergency Shelter for 6 or less residents.

5.2.3 No person shall display a Ground Sign on a property that ceases to be vacant or undeveloped and where any Billboard displayed on the property has not been removed.

5.3 WALL SIGNS INCLUDING PROJECTING SIGNS

5.3.1 No person shall display or permit to be displayed a Wall Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.3.2 No Wall Sign shall be displayed except in accordance with the following regulations:

permit

- (a) obtain a permit under this By-law;

structure

- (b) not extend beyond the sides or top of the wall on which the Wall Sign is displayed;
- (c) maximum sign area of 15% of the wall to which the Wall Sign is attached;
- (d) where on a wall above a location where the public passes, not less than 2.8 metres above the grade below;

content

- (e) for a Projecting Sign, maximum area of copy of 20% of its sign area except the maximum area of the copy on a Projecting Sign that has a sign area of 1.0 m² or less may be 100% of its sign area;
- (f) for a Wall Sign, except a Projecting Sign, a maximum of 50% of the sign area may be a readograph or electronic message display provided that no copy displayed on an electronic message display shall be displayed for less than three seconds, during which there shall be no movement or change in colour or intensity of illumination;
- (g) may advertise a business on the property on which the Wall Sign is displayed or an activity, product or service available on that property, or a charity's or community organization's activities;
- (h) for a Wall Sign that is not within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area, may allocate a maximum 25% of the sign area or 1.2 m², whichever is less, except for an electronic message display, to advertising a business that is not on the property on which the Wall Sign is displayed or an activity, product or service that is not available on that property;
- (i) for a Wall Sign that is within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area not advertising a business that is not on the property on which the Wall Sign is displayed or an activity, product or service that is not available on that property;

location

- (j) where overhanging a public right of way under the jurisdiction of the City, the owner of the property shall enter into an encroachment agreement with the City and shall satisfy the City's requirements for liability insurance;
- (k) on the same building wall used to calculate the maximum sign area;
- (l) permitted in all zones except where the use of the property is for one or more of the following uses:
 - (i) a Single Detached Dwelling;
 - (ii) a Semi Detached Dwelling;
 - (iii) a Duplex;
 - (iv) a Triplex;
 - (v) a Fourplex or Quadruplex;
 - (vi) a Street Townhouse;
 - (vii) a Mobile Home;
 - (viii) a Residential Care Facility for 6 or less residents;
 - (ix) a Lodging House for 6 or less lodgers;

- (x) a Retirement Home for 6 or less residents; or
- (xi) an Emergency Shelter for 6 or less residents.

5.4 MOBILE SIGNS

5.4.1 No person shall display or permit to be displayed a Mobile Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.4.2 No Mobile Sign shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law;
- (b) submit an application for a permit no earlier than 28 days prior to the date the permit comes into effect;
- (c) applications for permits will 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 Director;
- (d) maximum display period of 28 consecutive days, being 2 permit periods of 14 days each;
- (e) minimum of 14 consecutive days after a display period ends before another permit may be issued on a property;
- (f) maximum of 6 permits issued for a single business on a property for a total calendar year allotment of 84 days;

structure

- (g) maximum sign area of 4.5 m² per sign face for a commercial or industrial use;
- (h) maximum height of 2.7 m and maximum width of 2.5 m;

content

- (i) not illuminated;
- (j) sign area may not be an electronic message display;
- (k) display the name and telephone number of the sign owner in a clearly visible location;
- (l) may advertise a business on the property on which the Mobile Sign is displayed or an activity, product or service available on that property, or a charity's or community organization's activities;
- (m) not advertising a business that is not on the property on which the Mobile Sign is displayed or an activity, product or service that is not available on that property;

location

- (n) in a location approved in advance by the Director;
- (o) not within:
 - (i) 15.0 m of an intersection or traffic signal or traffic control device;
 - (ii) 3.0 m of a driveway line;
 - (iii) 15.0 m of a side property line abutting a property with a residential use or 3.0 m of a side property line abutting a property with any other use;
 - (iv) 1.5 m of a street line; or

- (v) any parking space required under the zoning by-laws of the City;
- (p) not on a vacant property;
- (q) no more than 2 Mobile Signs, separated by a distance of at least 50.0 metres, on a property at any one time;
- (r) permitted in all zones except where the use of the property is for one or more of the following uses:
 - (i) a Single Detached Dwelling;
 - (ii) a Semi Detached Dwelling;
 - (iii) a Duplex;
 - (iv) a Triplex;
 - (v) a Fourplex or Quadruplex;
 - (vi) a Street Townhouse;
 - (vii) a Mobile Home;
 - (viii) a Residential Care Facility for 6 or less residents;
 - (ix) a Lodging House for 6 or less lodgers;
 - (x) a Retirement Home for 6 or less residents; or
 - (xi) an Emergency Shelter for 6 or less residents;
 provided that no Mobile Sign shall be displayed on a property within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area.

5.5 BANNERS

5.5.1 No person shall display or permit to be displayed a Banner except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.5.2 No Banner shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law, except for a Banner with a maximum sign area of less than 1 m² or advertising a charity's or community organization's activities;
- (b) no more than 1 permit issued for a single business at a single property in a calendar year, provided that one additional permit may be issued if the Director is satisfied that a business opening or closing event will be advertised;
- (c) maximum display period of 28 consecutive days, being one permit period;

structure

- (d) securely attached to a single building, structure or fence or in an alternative manner that is satisfactory to the Chief Building Official;
- (e) maximum sign area of 6.0 m² in sign area;

content

- (f) where on private property:
 - (i) may advertise a business on the property on which the Banner is displayed, an activity, product or service available on that property, or a charity's or community organization's activities; and
 - (ii) not advertising a business that is not on the property on which the Banner is displayed or an activity, product or service that is not available on that property;

- (g) where on a street:
 - (i) may advertise a business adjacent to the property on which the Banner is displayed, an activity, product or service available on that property, or a charity's or community organization's activities; and
 - (ii) not advertising a business that is not adjacent the property on which the Banner is displayed or an activity, product or service that is not available on that property;

location

- (h) not on a boundary fence, except a boundary fence between a property and a street;
- (i) a maximum of 1 on each building elevation, structure or fence;
- (j) permitted in all zones except where the use of the property is for one or more of the following uses:
 - (i) a Single Detached Dwelling;
 - (ii) a Semi Detached Dwelling;
 - (iii) a Duplex;
 - (iv) a Triplex;
 - (v) a Fourplex or Quadruplex;
 - (vi) a Street Townhouse;
 - (vii) a Mobile Home;
 - (viii) a Residential Care Facility for 6 or less residents;
 - (ix) a Lodging House for 6 or less lodgers;
 - (x) a Retirement Home for 6 or less residents; or
 - (xi) an Emergency Shelter for 6 or less residents.

5.6 BANNERS TEMPORARY SIGNS, INCLUDING AGRICULTURAL PRODUCE PORTABLE SIGNS, CORRUGATED PLATIC TYPE SIGNS, NEW HOME DEVELOPMENT SIGNS AND SIDEWALK SIGNS

5.6.1 No person shall display or permit to be displayed a Temporary Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.6.2 No Temporary Sign shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law, except for a Sidewalk Sign on private property or an Agricultural Produce Portable Sign;
- (b) for a Corrugated Plastic Type Sign, maximum display period of 1 year, being one permit period;
- (c) for a New Home Development Portable Sign:
 - (i) no more than 10 permits issued at any one time advertising the sale of homes in a single development; and
 - (ii) a permit period of 1 year with a maximum display period of no earlier than noon on any Friday and no later than noon of the following Monday, provided that:
 - 1. where a statutory holiday falls on a Friday, the maximum display period begins no earlier than noon on the preceding Thursday; and

2. where a statutory holiday falls on a Monday, the maximum display period ends no later than noon on the following Tuesday;
- (d) for a Sidewalk Sign, except for a Sidewalk Sign on private property, maximum display period of 1 year or 3 years, being one permit period respectively;

structure

- (e) for a Temporary Sign, except a Corrugated Plastic Type Sign:
- (i) not permanently secured to the ground, any structure or tree
 - (ii) maximum sign area of 0.48 m² for each sign face; and
 - (iii) maximum height of 0.8 m
- (f) for a Corrugated Plastic Type Sign a maximum sign area of 2.2 m² for each sign face;

content

- (g) not illuminated;
- (h) sign area may not be an electronic message display;
- (i) for a Corrugated Plastic Type Sign and a Sidewalk Sign on private property:
- (i) may advertise a business on the property on which the Corrugated Plastic Type Sign or Sidewalk Sign is displayed, an activity, product or service available on that property, or a charity's or community organization's activities; and
 - (ii) not advertising a business that is not on the property on which the Corrugated Plastic Type Sign or Sidewalk Sign is displayed or an activity, product or service that is not available on that property;
- (j) for a Sidewalk Sign on the street:
- (i) may advertise a business adjacent to the property on which the Sidewalk Sign is displayed, an activity, product or service available on that property, or a charity's or community organization's activities; and
 - (ii) not advertising a business that is not adjacent to the property on which the Sidewalk Sign is displayed or an activity, product or service that is not available on that property;

location

- (k) for an Agricultural Produce Portable Sign and a New Home Development Portable Sign:
- (i) not on private property;
 - (ii) not obstructing any permanent sign;
 - (iii) not on a traffic island or median or attached to a light standard or utility pole;
 - (iv) not on a public sidewalk;
 - (v) not less than 3.0 m from a driveway line;
 - (vi) not less than 1.5 m from the curb or edge of the travelled portion of a street where there is no curb;
 - (vii) only on the untravelled portion of a street;
 - (viii) maximum of 3 on any one corner of an intersection with no farmer or builder respectively having more than 1;
 - (ix) satisfying the City's requirements, if any, for liability insurance.
- (l) for a Corrugated Plastic Type Sign:
- (i) on private property;
 - (ii) not within:

1. 15.0 m of an intersection or traffic signal or traffic control device;
 2. 3.0 m of a driveway line;
 3. 15.0 m of a side property line abutting a property with a residential use or 3.0 m of a side property line abutting a property with any other use;
 4. 1.5 m of a street line; or
 5. any parking space required under the zoning by-laws of the City;
- (iii) not on a vacant property;
 - (iv) separated by a distance of at least 10.0 metres for any other Corrugated Plastic Type Sign;
- (m) for a Sidewalk Sign:
- (i) where displayed on private property, as close as possible to the front wall of the advertised business;
 - (ii) no more than 1 for each business advertised;
 - (iii) where displayed on public property:
 1. on a sidewalk or on the boulevard between the sidewalk and the travelled portion of a street within the Downtown Community Improvement Project Area, a Business Improvement Area, the Ancaster Village Core Area, or within the Glanbrook Village Core Area;
 2. adjacent to the curb opposite or against the front wall of the advertised business provided there is a minimum 1.5 metres of unobstructed sidewalk and no encroachment on any Urban Braille System;
 3. only during the hours of operation of the advertised business;
 4. satisfying the City's requirements for liability insurance;

5.7 INFLATABLE SIGNS

5.7.1 No person shall display or permit to be displayed an Inflatable Sign except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.7.2 No Inflatable Sign shall be displayed except in accordance with the following regulations:

permit / timing

- (a) obtain a permit under this By-law, except for an Inflatable Sign advertising a charity's or community organization's activities;
- (b) no more than 2 permits issued for a single business at a single property in a calendar year, provided that one additional permit may be issued if the Director is satisfied that a business opening or closing event will be advertised;
- (c) maximum display period of 14 consecutive days, being 2 permit periods of 7 days each;

structure

- (d) secured in a manner that is satisfactory to the Director;
- (e) maximum height of 7.0 m and maximum width of 6.0 m;

content

- (f) may advertise a business on the property on which the Inflatable Sign is displayed, an activity, product or service available on that property, or a charity's or community

- organization's activities;
- (g) not advertising a business that is not on the property on which the Inflatable Sign is displayed or an activity, product or service that is not available on that property;

location

- (h) not less than 5 m from any property line
- (i) permitted only in commercial, industrial and institutional zones.

5.8 POSTERS

5.8.1 No person shall display or permit to be displayed a Poster except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.8.2 No Poster shall be displayed except in accordance with the following regulations:

permit / timing

- (a) no permit required;
- (b) maximum display period of 21 days and not more than 3 days after the event or other activity the Poster advertises;

structure

- (c) affixed only by tape covering no more than 20% of the Poster's sign area;
- (d) consisting entirely of biodegradable material;
- (e) maximum sign area of 0.13 m²;

location

- (f) on public property, a maximum of 1 Poster advertising the same event or other activity:
 - (i) on a sign kiosk;
 - (ii) on a poster sleeve;
 - (iii) on a utility pole, a minimum of 200 m from any other utility pole displaying a Poster advertising the same event or other activity, sign kiosk or poster sleeve;
- (g) on private property:
 - (i) within a single maximum display area of 2.2 m²; and
 - (ii) a minimum of 200 m from any other display area permitted under paragraph g(i).

5.8.3 Notwithstanding any other provision of this Bylaw, the City may remove and dispose of Posters without notice or compensation to any person.

5.9 ELECTION SIGNS⁽²²⁻⁰³¹⁾

5.9.1 The Regulations pertaining to Election Signs shall be as set forth in Schedule 1 of this By-law.

5.10 BILLBOARDS

5.10.1 No person shall display or permit to be displayed a Billboard except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.10.2 No Billboard shall be displayed except in accordance with the following regulations:

permit

(a) obtain a permit under this By-law;

structure

- (b) maximum sign area of 18.0 m²;
- (c) maximum height of 12.0 m and maximum width of 4.0 m;

content

- (d) not animated, except a Tri-Vision Billboard;
- (e) may allocate a maximum 50% of the sign face to a readograph;

location

- (f) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Areas;
- (g) not less than 300.0 m from another Billboard;
- (h) not less than 300.0 m from any residentially zoned property;
- (i) not less than 15.0 m from any property line;
- (j) on vacant, undeveloped property zoned commercial or industrial.

5.10.3 Where a property on which a Billboard is displayed ceases to be vacant or undeveloped, the sign owner shall remove the Billboard from the property.

5.10A DIGITAL BILLBOARDS⁽¹⁶⁻²⁸⁴⁾

5.10A.1 No person shall display or permit to be displayed a Digital Billboard except in accordance with the applicable general regulations under this By-law, and the specific regulations under this section of the By-law.

5.10 A.2 No Billboard shall be displayed except in accordance with the following regulations:

permit

(a) obtain a permit under this By-law;

structure

- (b) if the Digital Billboard is single faced or double faced (configured back-to-back or in a "V" shape):
 - (i) a maximum sign area of 18.6 m² for each sign face;
 - (ii) a maximum height of 6.1 m for each sign face; and
 - (iii) A maximum width of 10 m, except for a maximum width of 12 m for Digital

- Billboards facing the Lincoln M. Alexander Parkway;
- (c) despite paragraph 5.10A.2(b), if the Digital Billboard is single faced and facing the Lincoln M. Alexander Parkway:
 - (i) a maximum sign area of 36.2 m²;
 - (ii) a maximum height of 10.7 m; and
 - (iii) a maximum width of 12 m;

structure

- (d) a maximum luminosity level of 300 candelas per m² at night and 6000 candelas per m² during the day;
- (e) equipped with a monitoring device to ensure that the light generated does not exceed 0.3 candles above ambient light levels at a distance of:
 - (i) 41 m for Digital Billboards with a sign area of not more than 18.6 m²;
 - (ii) 51 m for Digital Billboards with a sign area of more than 18.6 m² but not more than 28 m²; and;
 - (iii) 76 m for Digital Billboards with a maximum sign area of more than 28 m² but not more than 32.6 m²;
- (f) not operate between the hours of 12 a.m. and 6 a.m.;
- (g) minimum dwell time of 6 seconds; and
- (h) maximum transition time of 1 second.

location

- (i) not on a property within the Downtown Community Improvement Project Area, the Waterdown Urban Area or the Waterdown Settlement Area;
- (j) may be within 400 m of and visible from the Lincoln M. Alexander Parkway;
- (k) not less than 300 m from another Digital Billboard, provided that, to allow for viewing from both sides of a street, the two sides of a double-sided Digital Billboard may be separated by a maximum of 180 m when facing the Lincoln M. Alexander Parkway and by a maximum of 40 m when facing any other street;
- (l)
 - (i) not less than 300m from any residentially zoned property; or
 - (ii) less than 300 m from any residentially-zoned property if the Director is satisfied by means of a viewshed analysis that includes consideration of sign alignment, shielding and other means, that there is sufficient mitigation of the impact on residential uses within 300 m;
- (m) not less than 3.5 m from any property line;
- (n) not less than 30 m from an intersection provided that an intersection does not include an on or off- ramp to or from the Lincoln M. Alexander Parkway.⁽¹⁶⁻²⁸⁴⁾

5.11 OTHER SIGNS

5.11.1 No permit is required for the signs under subsection 5.11.2.

5.11.2 No person shall display or permit to be displayed:

agricultural sign

- (a) a sign, including but not limited to a banner, associated with an agricultural use except:
 - (i) with a maximum sign area of 3.0 m²; and
 - (ii) in an agricultural zone;

agricultural society sign

- (b) a sign displayed by a non-profit agricultural society for an event or fair the society operates except:
- (i) with a maximum sign area of 9.0 m^2 ; and
 - (ii) in an agricultural zone;

branding sign ⁽¹⁸⁻⁰²⁶⁾

- (c) a sign that appears on any surface on a property (including a sign on construction hoarding authorized by the City on or abutting a property) except a wall of a building, and has no independent structure of its own, except:
- (i) consisting only of the following:
 1. the name of the business on the property;
 2. the registered trademark of the business on the property;
 3. the ownership of the business on the property; or
 4. the name of an activity, product or service available or to be available on the property; and
 - (ii) for all branding signs other than sign on construction hoarding, in a commercial, industrial or institutional zone or on that part of a property where the use is commercial, industrial or institutional;

commemorative sign

- (d) a commemorative plaque or cornerstone except:
- (i) with a maximum sign area of 0.3 m^2 ; and
 - (ii) at least 1.5 m from a street line or property line;

directional sign

- (e) a sign which gives directions or instructions for the control of vehicular or pedestrian traffic including an entry or exit sign except:
- (i) if the directional sign is wall-mounted:
 1. with a maximum sign area of 1 m^2 ; and
 2. at least 2.8 m above grade if the directional sign projects more than 10 cm;
 - (ii) if the directional sign is not wall-mounted:
 1. with a maximum sign area of 0.5 m^2 .
 2. with a maximum height of 1.5 m; ⁽¹¹⁻²³⁰⁾ and
 3. at least 1.5 m from a street line, property line or driveway line;
 - (iii) on the property for which directions or instructions are being given; and
 - (iv) in a commercial, industrial or institutional zone or on that part of a property where the use is commercial, industrial or institutional;

home occupation sign

- (f) a sign advertising a home occupation except:
- (i) with a maximum sign area of 0.3 m^2 ;
 - (ii) with no illumination;
 - (iii) in a residential zone; and
 - (iv) attached to a wall of the home occupation the home occupation sign is

advertising;

incidental sign

- (g) a sign that has a purpose incidentally related to use or occupancy that is intended to assist the public with the location of facilities or provides courtesy or directional information only except:
- (i) with a maximum sign area of 1.0 m²;
 - (ii) if the incidental sign is a preview menu board, its sign area may be an electronic message display provided the sign area is not visible from the street;
 - (iii) at least 1.5 m from a street line or property line;
 - (iv) on the property of the use or occupancy the incidental sign is incidentally related to; and
 - (v) in an agricultural, commercial, industrial or institutional zone or on that part of a property where the use is agricultural, commercial, industrial or institutional;

mural

- (h) an artistic work applied to exterior of a building or structure that does not include any advertising except:
- (i) with a maximum sign area of 50% of the wall on which the mural is displayed; and
 - (ii) in a commercial zone;

open house directional sign

- (i) a temporary, free-standing sign advertising an open house except:
- (i) between 10:00 a.m. and 6 p.m. of the day of the open house;
 - (ii) with a maximum sign area of 0.5 m²;
 - (iii) not displayed on a traffic island or median or attached to a light standard or utility pole; and
 - (iv) at least 0.3 m from a sidewalk;

real property sale, lease or rent sign

- (j) a sign advertising the sale, lease or rent of real property except:
- (i) for a maximum of 14 days after a firm sale is reported to the local realtors association or after the agreement to lease or rent has been finalized;
 - (ii) if the real property sale, lease or rent sign is for one dwelling with a maximum sign area 0.6 m²;
 - (iii) if the real property sale, lease or rent sign is for any real property other than one dwelling with a maximum sign area of 4.0 m²;
 - (iv) with no illumination; and
 - (v) on the property which is being sold, leased or rented;

religious emblem

- (k) an emblem of religious organization except on private property;

sale of seasonal farm produce sign

- (l) a sign advertising the sale of seasonal farm produce except:

- (i) with a maximum sign area of 3.0 m²; and
- (ii) in an agricultural zone;

trade sign

- (m) a sign advertising work performed to repair, renovate or landscape except:
 - (i) while the work is being performed;
 - (ii) with a maximum sign area of 0.48 m²;
 - (iii) with a maximum height of 0.8 m; and
 - (iv) with no illumination;

window sign

- (n) a sign painted, etched, or attached to the interior or exterior surface of a window which is intended to be seen from off the property except:
 - (i) if the window sign is an electronic message display, with a maximum sign area of 0.48 m²;
 - (ii) if window sign is not electronic message display, with a maximum sign area of 50% of the window surface; and
 - (iii) in a commercial, industrial or institutional zone or on that part of a property where the use is commercial, industrial or institutional;

yard, garage or lawn sale sign

- (o) a sign advertising a yard, garage or lawn sale except:
 - (i) with a maximum of 4 signs;
 - (ii) displayed no earlier than the day before the sale and removed no later than the day of the sale;
 - (iii) for a maximum of 36 hours; and
 - (iv) with a maximum sign area of 0.2 m².

PART 6.0

VARIANCES

- 6.1 Any person may apply for a variance from this By-law or any provision thereof.
- 6.2 An application for variance shall be made on the form prescribed by the City and shall be accompanied by the applicable fee, as set out in the City's User Fees and Charges By-law.
- 6.3 Variances may be authorized by the Director.
- 6.4 The General Manager may authorize a variance if in his or her opinion the general intent and purpose of the By-law are maintained.
- 6.5 In considering an application for a variance, the Director shall have regard for:
- (a) special circumstances or conditions applying to the land, building or use referred to in the application;
 - (b) whether strict application of the provisions of this By-law in the context of the special circumstances applying to the land, building or use, would result in practical difficulties

- or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this By-law;
- (c) whether such special circumstances or conditions are pre-existing and not created by the sign owner or applicant; and
 - (d) whether the sign that is the subject of the variance will alter the essential character of the area in which the sign will be located.
- 6.6 An applicant may appeal the variance application decision of the Director within 21 days of the decision is made to the Economic Development and Planning Committee or any successor Committee.
- 6.7 The City Clerk shall notify the applicant once a hearing date before the Planning and Economic Development Committee or any successor Committee has been fixed and if the applicant does not attend at the appointed time and place, the Committee may proceed in the absence of the applicant and the applicant shall not be entitled to further notice in the proceeding.
- 6.8 Council may uphold or vary the recommendations of the Planning and Economic Development Committee or any successor 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.
- 6.9 A variance from this By-law shall expire 6 months from the date of issuance unless the sign is displayed for its intended purpose and a variance shall expire upon the removal of the sign.

PART 7.0

PENALTIES AND ENFORCEMENT

- 7.1 Every person who contravenes any provision of this By-law or fails to comply with an order made under this By-law⁽¹¹⁻²³⁰⁾ is guilty of an offence.
- 7.2 A director or officer of a corporation who knowingly concurs in a contravention of this By-law is guilty of an offence.
- 7.3 Every person convicted under this By-law is liable:
- (a) upon a first conviction, to a maximum fine of \$5,000.00;
 - (b) upon a subsequent conviction, to a maximum fine of \$10,000.00.
- 7.4 Notwithstanding section 7.3, where the person convicted is a corporation, the corporation is liable:
- (a) upon a first conviction, to a maximum fine of not more than \$10,000;
 - (b) upon any subsequent conviction, to a maximum fine of not more than \$25,000.
- 7.5 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.
- 7.6 Where a sign is displayed on, over, partly on, or partly over, property owned by or
- Updated: February 22, 2022

- under the jurisdiction of the City and not in accordance with the regulations of this By-law, the sign may be removed immediately by the City without notice or compensation.
- 7.7 Where a sign is displayed in contravention of this By-law, the Director may immediately pull down or remove any sign that he determines constitutes a safety hazard or a concern without notice or compensation.
- 7.8 Where a sign does not comply with this By-law or a permit issued under this By-law, the Director may order the sign owner to remove or bring the sign into compliance in the manner and within the time specified in the order.
- 7.9 The order mentioned in section 7.8 may be served:
- (a) by personal service upon the sign owner;
 - (b) by prepaid registered mail sent to the last address of the sign owner, shown on the records of the City; or
 - (c) by prominently posting a copy of the order either on the sign in respect of which the order is made, or on the property upon which the sign is displayed.
- 7.10 Where the order is served in accordance with section 7.8 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 is not brought into conformity as required by an order under section 7.8, the Director may have the sign removed without notice or compensation. For this purpose, the Director, an officer and their contractor or other agent may enter upon the property at any reasonable time.
- 7.12 The cost incurred by the City in removing a sign under this part of the By-law is deemed to be municipal taxes and may be added to the collector's roll and collected in the same manner as municipal taxes. Despite the foregoing, the cost incurred by the City in removing a sign under this part of the By-law is a debt payable to the City and may be recovered in any court of competent jurisdiction.
- 7.13 Any sign removed by the City shall be stored for 28 days, during which time the sign owner may redeem such sign upon payment of the applicable fee prescribed in the City's User Fees and Charges By-law
- 7.14 Where a sign has been removed by the City and has been stored for a period of 28 days and has not been redeemed by the sign owner, such sign may be destroyed or otherwise disposed of by the City without notice or compensation.

PART 8.0

CONFLICT

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

PART 9.0

VALIDITY

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

to be in force.

PART 10.0

TRANSITION AND REPEAL

- 10.1 All permits issued under By-law 06-243 which are current and valid on the day this By-law comes into force shall be deemed to be:
- (a) current and valid under this By-law; and
 - (b) subject to all of the applicable provisions of this By-law, including but not limited to expiring and being renewable as though they had been issued under this By-law.
- 10.2 All prosecutions and other enforcement processes commenced under By-law No. 06-243 which have not been completed on the day this By-law comes into force shall be completed under By-law No. 06-243 as if it had not be repealed.
- 10.3 By-law No. 06-243 is repealed as of the day on which this By-law comes into force.

PART 11.0

EFFECTIVE DATE

- 11.1 This By-law comes into force on the day it is passed.

PASSED this 23rd day of February 2022.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

Schedule 1 ⁽²²⁻⁰³¹⁾**Election Signs****DEFINITIONS**

1. In this Schedule:

“Advance Voting Day” means one or more days that are designated for electors to cast ballots prior to Voting Day;

“Boulevard” means all parts of the Road Allowance, excluding any Roadway or Sidewalk;

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign and registered with the Clerk as the Candidate or Registered Third Party’s Campaign Office;

“Campaign Office Election Sign” means a sign displayed at a Campaign Office which displays the name of a Candidate in a municipal or school board Election, or the name of a Candidate and/or the name and/or logo of a political party in a federal or provincial Election, or the name of a Registered Third Party and the location of a Candidate’s or Registered Third Party’s Campaign Office in any Election;

“Candidate” means a person whose nomination to run in a Municipal, Provincial or Federal election, including school board elections, has been certified or confirmed by the necessary Election official as required by the governing legislation;

“City Clerk” means the City Clerk for the City of Hamilton or their designate;

“City Property” means property owned by or under the control of the City, and its agencies, boards or commissions and includes the Road Allowance;

“Director” means the City’s Director of Licensing and By-law Services and/or their designate;

“Election” means a federal or provincial election or by-election, a municipal election or by-election, a school board election or by-election, a federal, provincial or municipal referendum and any question submitted to the electors by a federal, provincial or municipal government;

“Election Bumper Sticker” means a label or sticker measuring not more than 7.62 centimetres (3 inches) by 29.21 centimetres (11.5 inches) which is affixed to a Vehicle and used for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate, Election or political party, or influencing electors to vote for or against an issue associated with any Candidate, Election or political party, or influencing electors to vote for or against any Candidate or political party or position;

“Election Campaign Material” means pamphlets, brochures or any articles of clothing distributed by or on behalf of a Candidate or Registered Third Party for the same purposes as an Election Sign;

“Election Sign” means any object, entity, thing, surface, structure, display and any other component parts which are used as a visual medium or display for the purposes of:

- (i) advertising, promoting, opposing or taking a position with respect to any Candidate, Election, political party, or question or by-law submitted to the electors on the ballot under the *Canada Elections Act*, the *Election Act*, the *Municipal Elections Act, 1996*, or any other legislation; or
- (ii) influencing electors to vote for or against a Candidate, political party, or question or by-law submitted to the electors on the ballot under the *Canada Elections Act*, the *Election Act*, the *Municipal Elections Act, 1996*, or any other legislation.

An Election Sign can take any form but does not include Election Campaign Material or an Election Bumper Sticker;

“Election Vehicle Sign” means any form of Election Sign, displayed in or on a Vehicle, excluding an Election Bumper Sticker;

“Municipal Elections Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched (MEA) as amended, and any Regulations thereunder;

“Parks By-law” means the City of Hamilton By-law 01-219, as amended or any successor by-law thereto;

“Private Property” means any land or real property other than City Property and includes property owned or under the control of the Provincial or Federal Government and their respective agencies, boards or commissions, and excludes the Road Allowance abutting the Private Property;

“Registered Third Party” means:

(a) one of the following whose notice of resignation has been certified by the City Clerk pursuant to section 88.6 of the *Municipal Elections Act*: (i) an individual who is normally a resident in Ontario; or (ii) a corporation that carries on business in Ontario; or (iii) a Trade Union that holds bargaining rights for employees in Ontario;

(b) an individual, corporation or other entity that complies with the requirements set forth in section 37 of the *Election Finances Act* and has been registered by the Chief Electoral Officer pursuant to the *Election Finances Act*, where that Act requires; or

(c) and individual, corporation or group that complies with the requirements set forth in section 352 of the *Canada Elections Act* and has been registered by the Chief Electoral Officer pursuant to the *Canada Election Act*, where the Act requires,

And a “Third Party Advertiser” has the same meaning

“Road Allowance” means the allowance for a public road and includes the travelled and untravelled portions, including the Roadway, Boulevard, and Sidewalks;

“Roadway” means that part of a Road Allowance that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs and gutters;

“Sidewalk” includes all such parts of a Road Allowance as are set aside and improved primarily for the use of pedestrians;

“Third Party Advertisement” means a sign or advertisement in any broadcast, print, electronic or other medium that has purpose of promoting, supporting or opposing a Candidate in an Election, or intended to influence persons to vote for or against any

Candidate or any question submitted to the electors, and which has been displayed without the authorization, direction or involvement of a Candidate; (See Section 1(1) of the *MEA*)

“**Trade Union**” means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario;(See Section 1(1) of the *MEA*)

“**Vehicle**” means a vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H8 as amended;

“**Voting Day**” means the day on which the final vote is to be taken in an Election; and (See Section 1(1) of the *MEA*)

“**Voting Place**” means the location(s) where electors cast their ballots as established and approved by the federal, provincial or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting Road Allowance, when such Voting Place is located within a City Property or Private Property and shall also include the common elements when the Voting Place is located within a Private Property.

2. Terms used in this Schedule and not defined herein shall have the same meaning as given to those terms in Part 1.0 the By-law.

SCOPE

3. This Schedule applies to and regulates all Election Signs displayed on property within the City. Where a provision of this Schedule conflicts with a provision of any federal or provincial statute or regulation or any By-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
4. This Schedule shall not apply to signs displayed by the City or the provincial or federal governments to provide information concerning an Election or any part of an Election process.
5. This Schedule shall not apply to any Road Allowance under the jurisdiction of the Ministry of Transportation.

INTENT

6. In addition to the purposes listed in Section 2.3 of this By-law, the intent of this Schedule is to regulate Election Signs in the City in a manner that recognizes the importance of the constitutional right to freedom of expression and protects and promotes that right, subject only to minimal and reasonable limits, with the intent of authorizing signs that provide members of the public and others with pertinent information relating to upcoming Elections.

ADMINISTRATION

7. The City Clerk shall be responsible for the administration of this Schedule and the Director shall be responsible for the enforcement of this Schedule.

ELECTION SIGNS

8. No person shall display or permit the display of an Election Sign except in accordance with:
 - (a) section 4.1 of this By-law (General Prohibitions and Regulations);
 - (b) section 5.1 of this By-law (Prohibited Signs); and
 - (c) the specific regulations set forth in this Schedule.
9. A person shall be deemed to be displaying an Election Sign if that person has custody of, or control over, the sign or the property on which the Election Sign is located.

TIMING

10. No person shall display or permit the display of an Election Sign associated with a federal or provincial Election, prior to the date the writ of election is issued.
11. No person shall display or permit the display of an Election Sign associated with a municipal Election before 28 days in advance of Voting Day.
12. Notwithstanding section 11 of this Schedule, Campaign Office Election Signs for Candidates may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.
13. Notwithstanding section 11 of this Schedule, Election Vehicle Signs may be displayed once a Candidate has filed their nomination papers and paid the required filing fee or a Third Party Advertiser has registered with the City Clerk.

SIZE

14. No person shall display or permit the display of an Election Sign with a sign area greater than 1.5 square meters when it is located on a property used for residential purposes including:
 - (a) a Single Detached Dwelling;
 - (b) a Semi Detached Dwelling;
 - (c) a Duplex;
 - (d) a Triplex;
 - (e) a Fourplex or Quadruplex;
 - (f) a Street Townhouse;
 - (g) a Mobile Home;
 - (h) a Residential Care Facility for 6 or less residents;
 - (i) a Lodging House for 6 or less lodgers;
 - (j) a Retirement Home for 6 or less residents; or
 - (k) an Emergency Shelter for 6 or less residents.
15. An Election Sign with a sign area larger than 1.5 square meters that is displayed on a property with a use other than as described in section 14 (a)-(k) inclusive of this Schedule, shall comply with all applicable regulations under Part 5 of this By-law provided that no permit, except any permit required under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, if applicable, is required.

CONTENT

16. Third Party Advertisements, including any Election Signs, shall contain valid and current contact information including the name of the Registered Third Party, the municipality where the Registered Third Party is registered (if applicable), and a telephone number, mailing address or email address at which the Registered Third Party may be contacted. This contact information shall be displayed using a minimum font size of 24. (See section 88.5 of the *MEA*)
17. No person shall display an Election Sign with electronic message display.
18. Except for a sign displayed by the City in accordance with section 4 of this Schedule, no person shall reproduce the City's logo, the logo of the Hamilton Street Railway, the logo of the Hamilton Police Service, the City's municipal election logo, or any other logo in which the City holds an interest, or the City's crest or seal, in whole or in part, on any Election Sign, or Election Campaign Materials. For the purposes of this section, any reference to "City" includes the City's agencies, boards and commissions.
19. No person shall display an Election Sign unless it contains all information required by applicable federal, provincial or municipal law, or any regulation thereunder.

LOCATION

City Property

20. Except as permitted by section 21 and section 23 of this Schedule, no person shall display or permit the display of an Election Sign on City Property.
21. The following Election Signs are permitted on City Property:
 - (a) the holding of a hand-held Election Sign;
 - (b) the display of a Poster in accordance with the regulations set forth in section 5.8.2(f) of this By-law;
 - (c) an Election Vehicle Sign while affixed to a Vehicle that is in use on any Roadway in the City in accordance with all applicable laws and by-laws, or while in use on any roadway as defined in the Parks By-law, or while authorized to be parked in any municipal parking lot, authorized on street parking space, or public parking area or parking space as defined by the Parks By-law; and
 - (d) the display of an Election Sign on commercial advertising space owned or operated by the City or one of its agencies, boards or commissions where the advertising has been approved by the City or one of its agencies, boards or commissions pursuant to the City's Policy for Commercial Advertising and Sponsorship.

Private Property

22. No person shall display or permit the display of an Election Sign on Private Property or display or permit the display of an Election Vehicle Sign on a Vehicle except with the permission of the owner of the Private Property or owner of the Vehicle as the case may be.
23. No person shall display or permit the display of an Election Sign on any portion of the Road Allowance, excluding that portion of the Boulevard.
- (a) between the Sidewalk and Private Property line, or
 - (b) where there is no Sidewalk, between the Roadway and Private Property line.
24. In accordance with section 88.2 of the *Municipal Elections Act, 1996*, owners of, or tenants in, an apartment building, condominium building, non-profit housing co-operative or a gated community may display Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, co-operative or condominium corporation.

ON VOTING DAY OR ADVANCE VOTING DAY

25. No person shall display or permit the display of an Election Sign:
- (a) at a property used as a Voting Place on Voting Day or on an Advance Voting Day;
 - (b) at a property used for the administration of Election processes on Voting Day or on an Advance Voting Day; or
- (See section 48 of the *MEA*)
26. For certainty, section 25 of this Schedule applies to Election Vehicle Signs.

REMOVAL

27. Candidates and Registered Third Parties shall remove all Election Signs no later than seventy-two (72) hours following 11:59 p.m. on Voting Day of the Election for which the Election Sign was displayed.
28. Notwithstanding section 27 of this Schedule, where an Election Sign has been displayed on Private Property, the owner or occupant of the property shall ensure that the Election Sign is removed within the time frame set out in section 26 of this Schedule.
29. No person shall dispose of an Election Sign on City Property except in receptacles designated for waste or recycling.

Schedule "A" to By-law No. 10-197

