

The Corporation of the City of Hamilton
BY-LAW NO. 86- 77
To Consolidate:
STREETS BY-LAW NO. 9329

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "City" means The Corporation of the City of Hamilton;
 - (b) "Commissioner of Engineering" means the Commissioner of Engineering of The Regional Municipality of Hamilton-Wentworth;
 - (ba) "Commissioner of Transportation" means the Commissioner of Transportation of The Regional Municipality of Hamilton-Wentworth;
 - (c) REPEALED. By-law No. 82-153, S.2.
 - (ca) "highway" means a common and public highway and includes a street, sidewalk, boulevard whether or not paved, and a bridge forming part of a highway or on, over or across which a highway passes and any portion of the land situate between street lines;
 - (d) "Director of Public Works" means the Director of Public Works of the City;
 - (e) "Traffic Commissioner" means the Director of Traffic Services of the City. By-laws Nos. 79-106, S.2; 81-127, S.1; 81-166, S.1; 85-160; S.1.
2. (1) REPEALED. By-law No. 82-153, S.3.

(2) Enforcement. In default of the doing of any matter or thing by any person required by the provisions of this by-law to do it, such matter or thing shall be done at his expense, and the expense incurred in doing it shall be recovered by action, or in like manner as municipal taxes.

(3) Power to Restrain by Action. Where any provision of this by-law is contravened, such contravention may, in addition to any other remedy and to any penalty which may be imposed, be restrained by action at the instance of a ratepayer or the City Corporation or a local board.

RECORD OF THE HIGHWAYS AND NUMBER OF BUILDINGS

3. (1) Street Names. The Planning and Development Committee of the City is authorized to recommend to the City Council from time to time, names for unnamed highways, and names for highways the names of which are desired to be changed. By-law No. 82-153, S.4.

(2) Street Name Signs. The Traffic Commissioner is authorized and directed to affix at the corners of highways, on public or private property, highway name signs of such type and to such number as may from time to time be authorized by the City Council, and to maintain the same in proper condition. By-law No. 82-153, S.7(1).

(3) Record of Highways and of the Numbers of Buildings. The Planning and Development Committee of the City is authorized to recommend to the Assessment Commissioner the numbers for buildings, and the last revised assessment roll shall be the record of the highways with boundaries and distances as required by The Municipal Act to be kept for public inspection. By-law No. 82-153, S.4.

(4) Affixing Numbers to Buildings. The Building Commissioner shall, upon the issuing of each building permit for the erection or for the removal to a new location of any building or structure, deliver to the person receiving the building permit a number sign of such type as may from time to time be authorized by the City Council, and corresponding to the number assigned in the last revised assessment roll, for affixing to such building or structure, and in default of any such number sign being so affixed within a reasonable time, or in the event of its removal, the Building Commissioner is authorized to affix the same or a like sign, and the amount of the expenses incident thereto may be entered by the City Clerk in the collector's roll and collected in the same manner as taxes, or, if paid by the occupant of the premises, the same may, (subject to any agreement between him and the owner), be deducted from the rent payable to the owner.

(5) Changing Numbers. Whenever it becomes necessary to change the numbers for buildings on any highway, and they are so changed in the assessment roll, the owners and occupants of all such buildings shall be certified forthwith, or beforehand if possible, and new number signs shall be supplied by the Building Commissioner, and the postal authorities shall similarly be notified at as early a date as possible, by the City Clerk; and in default of any such new number sign being affixed, the same may be affixed by the Building Commissioner with the results provided in subsection 4.

BOULEVARDS

4. (1) Parts of Highway Set Apart as Boulevards. All such parts of the highways as are situated between the curb or edge of the roadway and the nearest street line, exclusive of the area covered by sidewalk or pavement, and all planted strips between the two roadways of a divided highway, are hereby set apart for the purpose of boulevards and may be known and referred to as such; and the former may be known and referred to as "side-boulevards" and the latter as "middle-boulevards", and a side-boulevard which adjoins the limit of the highway may be known and referred to as an "inner side-boulevard", and the one which adjoins the curb or edge of the roadway, as an "outer boulevard".

(2) Abutting Owners May Maintain Side-Boulevards. Subject to the provisions of this by-law respecting trees on highways, and subject to the provisions of other by-laws respecting public works and obstructions to the view of drivers at intersections, an owner of land abutting on a highway may at his own expense maintain in grass, flowers and trees, that part of any side-boulevard immediately opposite his land, but not so as unreasonably to confine, impede or incommode public traffic.

(3) Prohibitions. No person shall,

- (a) wilfully injure any planted boulevard, or walk upon it if there be any crossing within reasonable distance; or
- (b) cause or permit any horse, mule, pony or vehicle to be upon any planted boulevard; or
- (c) cause or permit any hedge or other obstruction to the clear view of drivers of vehicles, to be upon side-boulevards within thirty feet of the limit of any intersecting highway.

TREES

5. (1) The Director of Public Works is hereby authorized to supervise the planting, trimming and removal of trees growing in the highways, and the trimming of trees planted upon a highway or upon private property, where the branches extend over a highway.

- (a) Definition. In this section except where otherwise indicated, "trees" includes a growing tree or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.
By-law No. 81-166, S.1(2).

(2) Owners of Land May Plant Trees. Any owner of land abutting on a highway may with the approval of the City Council expressed by resolution plant shade or ornamental trees upon that portion of the highway upon which his land abuts and which has been set apart for the purpose of a side-boulevard.

(2a) It is hereby authorized and directed that the City may, with the consent of the owner, plant shade or ornamental trees within eight feet of the highway at the expense of the City of Hamilton provided,

- (a) any tree planted is the property of the owner of the land on which the tree is planted; and
- (b) the owner of the land shall undertake and agree that the City of Hamilton is not liable for maintenance, replacement, removal or otherwise in respect of any tree so planted. By-law No. 75-292, S.1.

(3) Not To Be Obstruction.

- (a) No tree shall be so planted that the same is or may become a nuisance in the highway, or obstruct the reasonable use of the same;
- (b) No tree shall be planted upon any highway, nearer to any other tree upon a highway, than thirty feet;

Provided, however, that in this clause, "tree" shall not be deemed to include any shrub or tree of a sort which does not normally attain a height or spread of more than twenty feet;

- (c) **Unsuitable Species.** No tree shall be planted in any highway, of any of the following species, which the council deems unsuited for that purpose, and the Director of Public Works is authorized to remove without notice any or all of such trees growing on a highway or planted thereon contrary to the provisions of this by-law:

Chinese Elms	Poplar
Cottonwood or	Soft Maple
Balm of Gilead	Willow

Provided, however, that this subsection shall be construed as obligating the City Corporation or the Director of Public Works to remove all or any of such trees, unless the City Corporation has had notice that the roots of the same have already obstructed a sewer of the City Corporation or a sewer connection serving land other than the parcel abutting upon that part of the highway in which the tree is growing. By-law No. 81-166, S.1(2).

(4) **Permission to Cut Down.** The owner of any tree upon a highway may remove or cut down the same with the authority in writing of the Director of Public Works, but nothing herein shall be construed as requiring the Director of Public Works to give such permission in writing without a resolution of the City Council, when in his opinion the removal of such tree might be against the public interest. By-law No. 81-166, S.1(2).

(5) **Removal in Public Interest.** Any tree planted upon a highway shall be removed when deemed necessary in the public interest, but in such case the owner of the tree shall be given ten days notice of the intention of the City Council to remove such tree, and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled himself to remove the tree, but shall not in such case be entitled to any further or other compensation.

(6) **Notice to Remove.** The notice required by subsection 5 may be given by leaving the same with a grown-up person residing on the land adjacent to the highway and nearest to the tree, or, if the land is unoccupied, by posting it in a conspicuous place on the said land, and if the tree has not been removed upon the expiration of ten days after such giving of the notice, the Director of Public Works shall forthwith proceed to remove the tree. By-law No. 81-166, S.1(2).

(7) Decayed Trees.

- (a) An owner of a tree shall not leave standing any decayed or dangerous tree upon a highway, or any such tree so near to a highway that the same may be or become dangerous to persons lawfully using the highway;
- (b) Overhanging Limbs. An owner of a tree standing upon or adjacent to a highway shall not leave projecting over the highway any branch of any such tree in such manner as to obstruct the reasonable and safe use of the highway.

(8) No person shall injure or destroy a tree. By-law No. 79-106, S.1.

(9) No person shall attach any object or thing to a tree located on any highway or public place, except with the consent of the Director of Public Works notwithstanding that such attachment would not injure or destroy the tree. By-laws Nos. 79-106, S.1; 81-166, S.1(2).

TEMPORARY CLOSING OF HIGHWAY FOR REPAIRS, ETC.

6. (1) To Be Closed While Work in Progress. During the construction, repairing or improvement of any highway or portion thereof, the said highway or that portion of it being so constructed, repaired or improved shall be temporarily closed.

(2) Alternative Route. Where a highway or portion thereof is so closed, the Commissioner of Engineering shall provide and the Director of Public Works shall keep in repair, a reasonable temporary alternative route as selected and designed by the Traffic Commissioner for traffic and for all property owners who cannot obtain access to their property by reason of such closing. By-laws Nos. 81-166, S.1; 82-153, S.7(1); S.8(1).

(3) Barricades and Detour Signs. While a highway or portion thereof is so closed to traffic, there shall be erected by the Commissioner of Engineering or by the Director of Public Works, whichever is in charge of the work, at each end of the highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously

except during full daylight, and at such points there shall be erected detour signs by the Traffic Commissioner, indicating the alternative route and that the highway is closed to traffic. Every such barricade shall be of that type which may from time to time be adopted by the City Council. By-law No. 82-153, S. 7(1); S.8(1).

REMOVAL OF SNOW AND ICE

7. (1) (a) From Roofs of Certain Occupied Buildings. With respect to every occupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the occupants shall clear away and remove the snow and ice from the roof whenever there is sufficient accumulation to threaten danger in the event of a thaw.

(b) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and in default of payment on demand, the amount of the expense incurred in doing it shall be recovered from the said occupants by action. By-law No. 81-166, S.1(2).

(2) (a) From Roofs of Certain Unoccupied Buildings. With respect to every unoccupied building having a pitched roof from which snow and ice might fall upon any highway or other place to which the public has access, the Director of Public Works is authorized to clear away and remove, at the expense of the owner of the building, the snow and ice from the roof whenever it has come to his attention that there is a dangerous condition. By-law No. 81-166, S.1(2).

(b) Recovery From Owner of Cost of Removal. The amount of the expense incurred in clearing away and removing snow and ice from the roof of any unoccupied building pursuant to the provisions of clause (a) of this subsection shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected.

(3) (a) From Sidewalks at Certain Occupied Buildings. The occupants of all classes of buildings except office buildings, multiple dwellings, other buildings of multiple occupancy and

government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours.

(b) The owners of all office buildings, multiple dwellings, other buildings of multiple occupancy and government buildings, shall clear away and remove the snow and ice from all the sidewalks on the highways in front of, alongside or at the rear of such buildings, as soon as reasonably practicable after every snowfall, and in any event within twenty-four hours. By-law No. 73-366, S.2.

(c) Recovery of Cost From Occupants, in Case of Default. In default of compliance with the requirements of this subsection, the Director of Public Works in lieu of or in addition to any other remedy provided by this by-law, is authorized to clear away and remove such snow and ice at the expense of the occupants, and the amount of the expense incurred in doing it shall be recovered from the said occupants, by action, or shall be recovered in the manner provided by subsection 4 of this section. By-laws Nos. 73-366, S.1; 81-166, S.1(2).

(4) From Other Public Sidewalks. The Director of Public Works is authorized to clear away and remove snow and ice from the sidewalks on any highway or part of a highway, in front of, alongside or at the rear of any occupied or unoccupied building or vacant lot, at the expense of the owners, and the amount of such expense shall be added by the City Clerk to the collector's roll and collected as municipal taxes against land are collected. By-law No. 73-366, S.1.

(5) Manner of Removal. In the clearing away and removal of snow and ice from sidewalks or roofs, no snow or ice shall be deposited in such manner as to obstruct drainage to any drain or sewer, or so as to obstruct access to any fire hydrant, and no such snow or ice shall unnecessarily be deposited upon the travelled portion of any highway.

(6) Sanding of Crossings, etc. by Director of Public Works. It shall be the duty of the Director of Public Works to cause to be levelled or sanded, or both if necessary, all sidewalks and cross-walks which are in a condition of non-repair by reason of snow or ice; and the Director of Public Works is also authorized to cause to be levelled or sanded, or both, any roadway or part of a roadway in special cases when authorized to do so. By-law No. 81-166, S.1(2).

REMOVAL OF VEHICLES FOR SNOW-CLEANING

8. No person shall park or leave a vehicle on a highway where snow or ice is being moved to open the road for travel on it, and any vehicle which has been parked or left on a highway prior to the commencement of or during a snow or sleet storm or the work of moving the snow or ice to open the road for travel on it shall be removed within one hour after the commencement of such storm or work; and in default of its being so removed, any constable upon discovery of any vehicle parked or left in contravention of this provision may cause it to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle, which may be enforced in the manner provided by section 52 of The Mechanics' Lien Act. By-law No. 82-153, S.5.

OBSTRUCTING, ENCUMBERING, INJURING OR FOULING HIGHWAYS PROHIBITED

9. (1) Save as herein otherwise provided or as otherwise specifically permitted by law, no person shall obstruct, encumber, injure or foul any highway, or obstruct any drain, ditch or culvert upon a highway.

(2) Obstructions and Encumbrances. Without in anywise limiting the generality of the foregoing prohibition of obstructing or encumbering a highway, no person shall without lawful authority erect, install, place or maintain or cause or permit the erection, installing, placing or maintaining of any pole, post, fence, hedge, awning, canopy, marquee, sign, area opening, porch, doorstep, vehicle approach ramp, sidewalk, driveway, or other building, structure, firewood or thing either wholly or partly upon, in, under or over a highway, or firewood or any other thing calculated to obstruct it, and no person shall cause or permit the hanging or maintenance of any gate, door or other thing in such a manner as to allow it to swing over any part of a highway.

(3) Removal of Obstructions, etc. Any pole, post, fence, hedge, awning, canopy, marquee, sign, porch, doorstep, vehicle approach ramp, sidewalk, driveway or other building, structure, firewood or thing unlawfully upon, in, under or over a highway, either wholly or partly, shall be removed by the owner or occupant of the land in connection with which the same exists, and any area under and opening to it, unlawfully in any highway shall be filled up by the owner or occupant of the land in connection

with which it exists; and in default of compliance with this provision any such obstruction or encumbrance may be removed and any such area and opening to it may be filled in by the City, and the highway restored to its former condition, all at the expense of the owner or occupant of the land in connection with which such obstruction, encumbrance, area or opening exists, and the amount of such expense may be recovered by action or may be added by the City Clerk to the collector's roll against the said land and collected in like manner as municipal taxes. By-laws Nos. 81-166, S.2; 82-153, S.7(2).

(4) Fouling Highways. Without in anywise limiting the generality of the foregoing prohibition of fouling a highway, no person shall foul any highway or cause or permit the fouling thereof, either by,

- (a) the littering by throwing, placing or depositing of any dirt, filth, glass, handbill, paper or other rubbish or refuse, or the carcass of any animal. By-law No. 71-268, S.1;
- (aa) the placing or depositing of mud, soil or building material by spilling from or tracking by one or more vehicles making egress from or ingress to adjacent land. By-law No. 77-105, S.1;
- (b) the throwing, placing or depositing of any hay, straw, coal, manure, earth or other matter or thing, whether refuse or not, and whether spilled from a vehicle or not; or
- (c) discharging liquid waste; or
- (d) fouling a highway in any other manner.

(5) Where a highway is fouled contrary to any provision in clause (aa) of subsection 4, the owner of the adjacent land shall immediately remove the fouling and restore the highway to its condition prior to the fouling. By-law No. 77-105, S.2.

(6) Where the fouling is discovered by an official, servant, agent or any other person, the Commissioner of Engineering or the Director of Public Works may remove the fouling in such a manner as to restore the highway to the condition prior to the fouling. By-laws Nos. 77-105, S.2; 82-153, S.8(1).

(7) The fouling shall be removed at the expense of the owner of the adjacent land referred to in clause (aa) of subsection 4, and shall be recovered in a like manner as municipal taxes against the land of the owner. By-law No. 77-105, S.2.

9a. (1) The whole or portion of every load carried by a motor vehicle on a highway and which is not enclosed by the vehicle or a load container, shall be covered by a covering that is made of tarpaulin, canvas, netting or other material that prevents the load or any part of the load from falling upon the highway. By-law No. 79-332, S.1.

(2) Subsection 1 does not apply to municipal vehicles,

(a) in the course of applying sand, salt, a mixture of sand and salt or similar substance to the highway for the purpose of highway or winter highway maintenance;

(b) in the course of collecting waste;

(c) within the limits of a highway construction contract. By-law No. 79-332, S.1.

(3) For the purpose of this section, "load" includes,

(a) domestic or industrial waste of any kind within the meaning of By-law No. 68-360; or

(b) construction material; or

(c) earth, sand, gravel, stone, crushed stone, slag, salt or any mixture thereof; or

(d) any other material or thing,

that may foul a highway by being blown thereon or by spilling or falling onto the highway. By-law No. 79-332, S.1.

POLES IN AND WIRES OVER A HIGHWAY

10. (1) May Be Permitted. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering, injuring or fouling of highways, but subject to the provisions of other

applicable Acts and by-laws, the following obstructions and encumbrances are permitted upon such terms and conditions as may be agreed upon:

- (a) electric light, power, telegraph and telephone poles and wires, and poles and wires for the transmission of electricity across or along any highway or public place;
- (b) poles, towers, wires, cables, amplifiers and other accessory equipment upon, across or along any highway or public place, for the purpose of transmitting electrical or electric impulses, signals and messages of every nature and kind, including those of alarm and protective systems, radio programmes or parts thereof, and television programmes or parts thereof, and the placing and maintenance of such equipment and of pipes, ducts, and conduits for enclosing such equipment, upon and within any poles, towers, pipes, ducts and conduits then erected, constructed or laid down, with the consent of the owner and the body in which is vested the management and control of such poles, towers, pipes and conduits.

(2) Location of Poles and Heights of Wires, etc. All such poles and towers referred to in subsection 1 shall be located, installed and maintained under the supervision and to the satisfaction of the Commissioner of Engineering and all such wires shall be placed and maintained at a height of not less than eighteen feet. By-law No. 82-153, S.8(1).

UNDERGROUND SERVICES IN NEW SUBDIVISIONS

10a. Notwithstanding any other provision of this by-law, all wires and conduits for,

- (a) the transmission of electricity; and
- (b) electrical or electric impulses, signals and messages of every kind and nature,

shall be installed underground in new subdivisions. By-law No. 79-217, S.1.

MISCELLANEOUS OBSTRUCTIONS AND ENCUMBRANCES
PERMITTED UPON OR OVER A HIGHWAY

11. Notwithstanding the provisions of this by-law prohibiting the obstructing or encumbering of a highway, but subject to the provisions of other applicable Acts and by-laws, the following obstructions and encumbrances are permitted during the pleasure of the City Council, in accordance with the provisions following:

Where No Permit or Other Formality Required

(1) Paved Sidewalks and Driveways Not Over 25' Wide. Save as otherwise provided in subsection 8, a paved sidewalk or driveway of a width of not more than twenty-five feet, without any curb and at the same level as the adjoining ground, from the public sidewalk to the land abutting upon the highway, or, where there is an outer side-boulevard then from the public sidewalk to the edge of the roadway, but this provision shall not be deemed to include an approach ramp. By-law No. 81-127, S.2.

(2) Canvas or Other Non-Rigid Awnings. An awning of canvas or other such light and flexible material to project over a sidewalk to the extent of not more than three-quarters of the width of the same.

Provided it is on a suitable frame properly supported from a building or structure on the land abutting upon a highway, that it is not attached to any tree, pole or other erection or thing on the highway, that no part of its supporting frame is closer to the sidewalk than seven feet and six inches, that no part of the awning is closer to the sidewalk than six feet and eight inches, and that it is so constructed, installed and equipped as readily to be capable to being raised to a furled position in which it extends not more than ten inches over the highway and is at least eight feet above the surface of the sidewalk below it.

Where Only Building Permit Required

(3) Refacing Existing Buildings. An existing building to encroach or further encroach upon a highway to such an extent as may be necessary to provide for refacing any such building. By-law No. 77-56, S.1.

(4) Awning Containers, Cornices, etc. Sills, brackets, awning containers and awning covers, to an extent of not more than two inches, at least eight feet above the ground.

Cornices of show windows to an extent of not more than twelve inches, at least eight feet above the ground.

Eaves, and other cornices, to an extent of not more than eighteen inches, at least twelve feet above the ground.

Window air-conditioners to an extent of not more than eighteen inches, at least eight feet above the ground.

(4a) Architectural or Ornamental But Non-Structural Features. Architectural or ornamental but non-structural features at least eight feet above the sidewalk or where there is no sidewalk at least fourteen feet above the roadway to an extent of not more than one foot, provided that the area of vertical projection of such features which projected over the highway shall not exceed, in any area of one hundred square feet of wall, twenty square feet. By-laws Nos. 66-97, S.1; 76-90, S.1.

(5) Signs. A sign or other advertising device having an area of vertical projection of no more than sixty square feet and a thickness between its principal faces of no more than eighteen inches, to project over the highway to the extent of not more than ten feet or two-thirds as far as the curb lines, whichever is the lesser distance, at a height of at least eight feet above the ground; or, where the curb line is no more than seven feet from the street line, it may project as far as the curb line if the clearance above the ground is at least fourteen feet. By-laws Nos. 9417, S.2; 76-90, S.2.

Where Annual Charge or Indemnification Agreement, etc. Required

(6) Paving of a part of a side-boulevard other than as permitted under subsection 1, upon a permit in writing from the Commissioner of Engineering, according to his specifications and to his satisfaction, after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation for any and all actions, claims, demand and loss whatsoever which may result. By-law No. 81-127, S.3.

(7) Bridges, Canopies and Marquees. After registration of an indemnification agreement as aforesaid, a bridge or other structure over or across a highway at a height of not less than eighteen feet, for the purpose of access by the owner of land to

land of the same owner on the other side of the highway, and a canopy or marquee to the curb line at a height of at least eight feet above the sidewalk or ground. By-law No. 76-90, S.3.

(8) A vehicle approach ramp may be constructed as an independent installation by the City upon specifications of the Commissioner of Engineering and to his satisfaction,

- (a) in the case of ramps not more than twenty feet in width for single-family dwellings or two-family dwellings, after application in writing to the Director of Public Works;
- (b) in the case of any other ramps, after application in writing to the Traffic Commissioner,

upon payment by the applicant of any money as a charge for its construction as the City may approve, based on the average cost per square foot of construction of vehicle approach ramps independently constructed during the preceding calendar year.

By-laws Nos. 71-326, S.1; 81-127, S.4; 82-153, S.6, S.7(1), S.8(1).

(8a) Except as provided in subsection (8b), the location of all vehicle approach ramps shall be to the satisfaction of the Traffic Commissioner. By-laws Nos. 71-326, S.1; 81-127, S.5.

(8b) The location of a vehicle approach ramp for a driveway not more than twenty feet wide for single-family dwellings and two-family dwellings shall be to the satisfaction of the Director of Public Works. By-laws Nos. 71-326, S.1; 81-127, S.5; 81-166, S.1(2).

(8c) Except as provided in subsection (8d), no vehicle approach ramp may be located to allow access to a driveway where the distance between the building and the side property line is less than seven feet wide. By-laws Nos. 71-326, S.1; 74-267, S.1; 80-132, S.1; 81-127, S.5.

(8d) A vehicle approach ramp may be located,

- (a) to allow access to an attached garage or to a carport or to a front, side or rear yard;
- (b) to allow access to a mutual driveway not less than seven feet wide if,

- (i) the mutual driveway is established in accordance with any instrument registered in the Registry Office against the title of the lands of the abutting parcels; and
- (ii) a hard surfaced paved rear or side yard parking space having dimensions not less than nine feet wide and twenty feet long can be established.

By-laws Nos. 71-326, S.1; 81-127, S.5.

(8e) Where there is registered on title an agreement for paving a portion of the highway satisfactory to the Traffic Commissioner, notwithstanding subsection (8b), a vehicle approach ramp to one or more parking spaces located partially in the front, side or rear yard of a single-family, two-family or three-family dwelling and partially upon the boulevard of a public highway, shall be located to the satisfaction of the Traffic Commissioner. By-laws Nos. 74-267, S.1; 81-127, S.6, S.7(1), S.8(1); 84-43, S.1.

(8f) Where a vehicle approach ramp has been constructed in accordance with subsection (8e), the parking spaces provided shall not be occupied by,

- (a) a commercial motor vehicle or trailer within the meaning of The Highway Traffic Act; or
- (b) a boat; or
- (c) a mobile housing unit.
By-law No. 81-127, S.8.

(9) Benches for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(10) Transit system shelters for the use of the public, on the untravelled portion of any highway, subject to such terms and conditions as may be agreed upon.

(11) Telephone booths for the use of the public, upon such terms and conditions including an annual or other charge, as may be agreed upon.

(12) Subject to the provisions of The Municipal Act in that behalf, iron waste paper boxes on the street corners or elsewhere, for the use of the public upon such terms or conditions including an annual fee, as may be agreed upon.

(13) The maintenance and use by any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway, upon the payment of such annual fee or charge as the City Council may from time to time deem reasonable, for such owner or occupant to pay for such privilege; and such fee or charge shall form a charge upon the land used in connection with such encroachment, and shall be collected in like manner as municipal taxes, for so long as the City Council permits the continuance of such encroachment.

Provided that an inadvertent encroachment which has been so permitted to continue shall be removed at the expense of the owner upon termination by resolution of the City Council, of the privilege for the continuance of such inadvertent encroachment.

11a. (1) The elevation of any access driveway at the street line shall be approved by the Commissioner of Engineering, By-law No. 71-21, S.1.

(2) Subsection (1) does not apply to single-family dwellings or to two-family dwellings. By-law No. 71-21, S.1.

11b. (1) Every person shall before placing one or more print media vending or distribution boxes on a sidewalk or a highway,

- (a) enter into an agreement satisfactory to the City;
- (b) pay an equivalent sum annually on January 1st of each year for each vending or distribution box but prorated for the balance of the year where vending or distribution boxes are placed after January 1st;
- (c) provide at the time of each annual payment and from time to time as may be required by the Commissioner of Transportation,

- (i) an alphabetical street name inventory listing exactly where the vending or distribution boxes are placed; and
 - (ii) a map of the City satisfactory to the Commissioner of Transportation showing the location where each vending or distribution box is situate;
- (d) provide a \$1,000,000 public liability policy of insurance wherein the City is an additional named insured and the policy contains a provision for cross-liability. By-laws Nos. 84-40, S.1; 85-160, S.3.

(2) Every print media vending or distribution box shall be situate on a sidewalk or a highway only in accordance with the following regulations:

1. No vending or distribution box shall be placed,
 - (a) in such a manner as in the opinion of the Commissioner of Transportation may obstruct pedestrian or vehicular movement;
 - (b) on sidewalks having a width of 2 metres or less;
 - (c) within 30 metres of all street intersections except at the back of the sidewalk;
 - (d) at bus loading areas;
 - (e) within 6 metres of any fire hydrant;
 - (f) at or adjacent to pedestrian and vehicular egress and ingress locations including ramps and crosswalks so as to obstruct or interfere with egress and ingress;
 - (g) so as to obstruct or interfere with street maintenance.

2. No vending or distribution box shall be chained, fastened or affixed to,
 - (a) utility apparatus, such as signal poles, lamp posts, H.S.R. utility poles;
 - (b) telephone booths, post boxes, bus shelters, bus roscoes, sign posts, parking meters;
 - (c) a building, structure or fixture not designed to accommodate vending or distribution boxes, unless prior written permission from the owner is first obtained.
3. No deliveries to, maintenance of, and repairs to, vending or distribution boxes shall, in the opinion of the City, obstruct or interfere with the use of the travelled portion of the sidewalk or the highway on which the boxes are situate.
4. The exact location and manner of placement and maintenance of vending or distribution boxes shall be to the satisfaction of the Commissioner of Transportation. By-law No. 84-40, S.1.

(3) For the purpose of clause (b) of subsection 1, "equivalent sum" means a sum of money equal to the charge required to be paid by The Regional Municipality of Hamilton-Wentworth. By-law No. 83-160, S.1.

(4) For the purpose of clause (c) of paragraph 2 of subsection 2, "owner" means an owner or registered owner or other person satisfactory to the Commissioner of Transportation. By-law No. 83-160, S.1.

MISCELLANEOUS EXCAVATIONS AND INSTALLATIONS
PERMITTED IN OR UNDER A HIGHWAY

12. Notwithstanding the provisions of this by-law prohibiting the obstructing, encumbering or injuring of highways, the surface of any highway may, subject to the provisions of section 13, be cut and the following obstructions and encumbrances permitted during the pleasure of the City Council, in accordance with the following provisions:

1. Area Opening. Subject to the provisions of the Building By-law, an area under and an opening to it in the highway upon permission of the City Council and after registration in the Registry Office for the Registry Division of Wentworth, of an agreement satisfactory to the City Solicitor, to indemnify and save harmless the City Corporation from any and all actions, claims, demands and loss whatsoever which may result.
2. Sewer Connections. A connection from a sewer of the City Corporation to the boundary of the highway, upon a permit in writing from the Commissioner of Engineering. By-law No. 82-153, S.8(1).
3. Pipes, Conduits, etc. Subject to the provisions of The Municipal Act, The Municipal Franchises Act and other applicable Acts,

- (a) pipes or conduits for transmitting gasoline, petroleum or petroleum products, along, under, in or upon a highway or land owned by the municipality;
- (b) pipes or conduits for enclosing wires for the transmission of electricity, under a highway or public place;
- (c) pipes or conduits for transmitting steam, under a highway or public square;
- (d) pipes and other necessary works for the transmission of water, gas or sewage on, in, under, along or across a highway; and
- (e) subways for cattle under a highway, upon the permission of the City Council in accordance with such terms and conditions as may be agreed upon.

REQUIRED PROCEDURE RESPECTING INSTALLATIONS UNDER
A HIGHWAY OR CUTTING THE SURFACE OF A HIGHWAY

13. (1) Application of Section. Wherever any work permitted by the provisions of this by-law or otherwise permitted by law involves any excavating in a highway or cutting the surface of a highway, the provision of this section shall apply, except in the case of sewer mains, water mains, water service pipes, vehicle approach ramps and other work done by the City Corporation.

(2) Where No Permit Required From Commissioner of Engineering. No permit from the Commissioner of Engineering to cut or excavate is required with respect to,

- (a) the laying of any private sidewalk or driveway, (except a vehicle approach ramp). Not more than fifteen feet wide, or;
- (b) an area under and opening to it in a highway, which is authorized under the provisions of this by-law, but all other relevant provisions of this section shall apply to the same.
By-law No. 82-153, S.8(1).

(3) Where Permit Required From Commissioner of Engineering. A permit in writing from the Commissioner of Engineering is required before the cutting of the surface of any highway with respect to the installation or replacement of,

- (a) any paving more than twelve feet wide;
 - (b) any sewer connection;
 - (c) any pole or tower;
 - (d) any pipe or conduit; or
 - (e) any other underground work or other work involving the cutting of the surface of any highway, except as otherwise provided in subsection 2.
- By-law No. 82-153, S.8(1).

(4) Application For Permit. Every application for a permit required under this section shall be made to the Commissioner of Engineering in writing in six copies, together with a plan in five copies, showing the proposed location, nature and particulars of the work, and the Commissioner of Engineering shall forward one copy of the application and one copy of the plan, each, to the Traffic Commissioner and to the Director of Public Works. By-law No. 82-153, S.7(1); S.8(1).

(5) Issue of Permit. The Commissioner of Engineering upon receipt of the application and after consultation with any other official aforesaid who may reasonably be concerned, will as soon as possible issue the permit to any applicant to whom such permit ought to be issued, but no permit shall be issued for the cutting of a highway where in the opinion of the Commissioner of Engineering the work ought to be done by boring instead of cutting, and in such case the permit shall be issued for boring. By-law No. 82-153, S.8(1).

(6) Notice of Commencement and Carrying on of the Work. Except in case of emergency, no such work shall be commenced without at least forty-eight hours notice in writing to the Commissioner of Engineering, the Director of Public Works and the Traffic Commissioner, or a full week's notice where a street will have to be closed, or the traffic on a heavily travelled street seriously interfered with, and daily notice shall be given to the Commissioner of Engineering, of the progress of all such work until its completion and the restoration of the highway; and, in case of any emergency work notice shall be given and an application for permit made as soon as possible after commencement of

the work, namely on the same day, or, if too late in the day, then within one hour of the opening of the Commissioner of Engineering's office on the next following day which is not a Sunday or other holiday. By-law No. 82-153, S.8(1).

(7) All Underground Work to be Done Only by City Corporation, Bonded Contractor, Public Utility or Franchise Holder. With the exception of work done by the City Corporation or its servants, agents or contractors, all work referred to in subsection 3 of this section except paving, and except an area under and opening to it in the highway, shall be done only by the public utility or the franchise holder lawfully in control or by a contractor who has deposited with the City Clerk a satisfactory bond of a recognized bonding company licensed to carry on business in Ontario, in such amount as may be deemed sufficient, that he will perform all work done upon, in or under a highway in a proper and workmanlike manner, take all proper precautions and safety measures for the protection of public and private property and of the public, including the maintenance of all necessary warning lights and watchmen, carry out and complete all such work and restore the highway to as good condition as before with all due expedition and dispatch, maintain the disturbed portion of the highway in proper repair for the period of two years after completion of the work, and indemnify and save harmless the City Corporation from any and all actions, claims, damages and loss whatsoever arising directly or indirectly from doing of the work.

(8) Supervision, Inspection, and Inspection Fees. All work referred to in this section shall be carried out under the direction and supervision of the Commissioner of Engineering and to his satisfaction, and the person in control of such work shall, forthwith upon demand after completion of the work, pay to the City Corporation all costs incurred by the City Corporation for inspection and supervision of the work, and all other costs which have been incurred. By-law No. 82-153, S.8(1).

(9) Carrying Out of the Work.

(a) Generally. All work to which the provisions of this section apply shall be carried out in a proper workmanlike manner, with all proper precautions and safety measures for the protection of public and private property, and of the public, including the maintenance of all necessary warning lights and watchmen, and brought to completion and the highway restored to as good condition as before as expeditiously as possible, all under the direction and supervision of the Commissioner of Engineering and to his satisfaction;

- (b) Cut in Boulevard. Where a sodded or planted boulevard is cut, top soil to a depth of at least six inches shall be placed over the required back filling, and the sod or other planting restored to as good condition as before; but in the case of a pavement cut, the entire section of pavement shall be replaced for its full length and width, and the paving restored to as good condition as before;
- (c) Cut in Sidewalk or Vehicle Approach Ramp. Where a cut is made in a sidewalk or vehicle approach ramp, the entire section which is cut shall be replaced in conformity with the concrete specifications and other requirements of the City Corporation;
- (d) Cut in Roadway. Where a cut is made in an unpaved roadway, it shall be backfilled with suitable granular material properly tamped, except the top twelve inches which shall be backfilled with crushed stone graded in size from three-eighths of an inch to dust, properly tamped; but where the cut is in an asphalt pavement, whether it is asphalt on macadam or asphalt on concrete, the pavement shall be replaced by three inches of hot-mix asphalt on an eight-inch concrete base over suitable granular material properly tamped;
- (e) Where Any Drain Connections, etc. Disturbed. Where a sewer or catch-basin connection or other service or facility of the City Corporation is broken or disturbed, the person in control of the work shall at once notify the Commissioner of Engineering who shall perform all necessary work of restoration at such person's expense, and where a private drain connection is broken or disturbed, such person shall at once cause the same to be repaired by a bonded sewer contractor.
By-law No. 82-153, S.8(1).

USE OF HIGHWAY DURING BUILDING OPERATIONS

14. (1) Use of Part of Highway Permitted. Notwithstanding the provisions of this by-law prohibiting the obstruction, encumbering, injuring or fouling of highways, the use of a portion

of any highway by the owner or occupant of land adjoining such highway during building operations upon such land for the storage of materials for such building or for the erection of boards is permitted in accordance with the provisions of this section.

(2) Permit Required. No such use shall be commenced unless and until a permit in writing has been obtained from the Traffic Commissioner, and no such use shall be made of any part of the highway except in accordance with the terms of the permit and all applicable provisions of the Building By-law. By-law No. 82-153, S.8(2).

(3) Terms of Permit. Every such permit shall show what part of what highway may be so used, for what part or parts of the day during what period of time, and no such permit shall be for the use of a greater area of the highway or for a longer period of time than is reasonably necessary, having regard to the safety and convenience of the public as well as the need of the applicant, and every such permit shall be subject to cancellation by the Traffic Commissioner at any time. By-law No. 82-153, S.8(2).

(4) No permit shall be issued until there has been paid a fee in such amount as may be determined from time to time by the City Council, and, upon the expiry of the permit, no such use shall be made of any part of the highway unless and until another permit in writing has been obtained and a further fee paid.

(5) Indemnification Agreement. No permit shall be issued until there has been delivered by the applicant an agreement from a recognized bonding company licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City Corporation, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway.

(6) Where Consent of Adjoining Owner Required. Before any permit is given for the use of any part of the highway beyond the limits of the frontage of the applicant, there shall be obtained from the owner of the adjoining lands, in writing, a consent and waiver of all claims against the City Corporation of any damages which may result, whether directly or indirectly from any such use of that part of the highway during the period to be covered by the permit and for a reasonable time thereafter.

(7) Other Requirements. Every person making use of any part of a highway during building operations shall be responsible that the following requirements are observed:

- (a) Mixing Mortar. No mortar, concrete or other such substance shall be mixed upon the highway, save upon a platform of wood, iron or other as suitable material and so located and guarded as to give adequate protection both to the highway and to children and the public;
- (b) Keep Drains Clear. No material shall be allowed to obstruct the free passage of water in any drain, gutter or watercourse;
- (c) Dust, Nuisance, etc. No unnecessary dust or noise shall be allowed, or any unnecessary or unreasonable annoyance to the public;
- (d) Warning Lights. No building material or other obstruction shall be allowed on a highway without sufficient suitable warning lights and such other safeguards as may be necessary or desirable for the protection of children and the public;
- (e) Clear and Restore Highway. All building material and other obstructions and all debris and residue shall be removed from the highway and the same restored to as good condition as before on or before the day of expiration of their permit.

MISCELLANEOUS REGULATIONS

15. (1) Firearms. No person shall discharge any gun or other firearm, air-gun or spring-gun of any class or type, anywhere in the City of Hamilton.

Provided, however, that this prohibition shall not apply to the discharge of firearms,

- (a) in properly constructed and supervised rifle ranges; or
- (b) in shooting galleries licensed by the Board of Commissioners of Police; or
- (c) by police officers or employees of the City Corporation carrying out their proper duties in the killing of stray pigeons, vicious dogs, or otherwise.

(2) Fireworks. REPEALED. By-law No. 79-128, S.34.

(3) Vehicle Crossing Sidewalk. Notwithstanding the provisions of the Traffic By-law prohibiting vehicles on sidewalks save at properly constructed crossings, it is permitted to cross a sidewalk with a vehicle with building materials during building operations, or for other reasonable and temporary need, where there is no regular crossing, provided that the sidewalk is protected by planking at least two inches thick, securely fastened and chamfered or bevelled at the ends for the greater safety of pedestrians, and provided further that a suitable temporary bridge is constructed across the adjoining gutter in such manner as not to obstruct the same.

(4) Filling Up and Draining Vacant Lots. The owner of any ground, yard or vacant lot shall be responsible to fill up and drain any depression where water lies, and to keep such ground, yard or lot clean and free of any debris and refuse. By-law No. 9643, S.2.

(5) Pits and Quarries.

(a) In Operation. No excavation for any pit or quarry shall be made or commenced within less than ten feet of the limits of any highway or other public place, or within less than ten feet of the limits of any adjoining lands; the slope at the sides of the excavation shall in no case be steeper than one and a half feet horizontal to one foot vertical, and the depth shall nowhere be greater than thirty feet;

(b) Not in Operation. The owner of any pit or quarry which is within three hundred feet of a road and which has not been in operation for a period of twelve consecutive months, shall level and grade the floor and sides thereof and the area within three hundred feet of its edge or rim so that it will not be dangerous or unsightly to the public.

(6) Strayed Pigeons. The Director of Public Works upon the complaint of the owner or occupant of any premises is empowered to enter upon such premises and the land buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed pigeons which are causing annoyance to the owner or occupant or damage to such premises. By-law No. 81-166, S.1(2).

MISCELLANEOUS PROHIBITIONS

16. (1) Indecent Placards, etc. No person shall post or exhibit any placard, play bill, poster, writing or picture, or write any word or make any picture or drawing, which is indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

(2) Defacing Signs. No person shall pull down or deface any sign or other advertising device or notice lawfully affixed.

(3) Discharging Rain Water on Highway. No owner, occupant or other person in control of any premises, shall allow any rain conductor or other drainage facility to discharge water so as to flow upon any highway; and no owner of any paved area other than a private driveway or sidewalk shall allow it to drain onto a highway.

(4) Depositing Snow on Highway. No person shall deposit any snow or ice on the travelled portion of any highway. By-law No. 10107, S.1(1).

(5) Discharging Nauseous Liquid. No person shall discharge or allow the discharge into any highway or public place, or into any sewer of the City Corporation of any toxic, flammable, corrosive or other nauseous liquid.

(6) Putting Kitchen Waste, etc. in Waste Paper Boxes. No person shall deposit into any waste paper box or basket on a highway, a lighted cigarette or other fire, or any accumulation of a kitchen waste or other garbage which ought rather to be put out in a container for collection in the City's regular garbage collection, or any other material of a kind not reasonably appropriate for depositing in a waste paper box or basket on a highway.

(7) Disturbing Noises. No person shall ring a bell, blow a horn, or shout or make any unusual noise, or any noise likely to disturb the inhabitants.

Provided that this shall not be deemed to prohibit the ringing of church bells, the sounding of motor vehicle horns when reasonably necessary or other noises of a reasonable nature and intensity on proper occasions. By-laws Nos. 10107, S.1; 68-290, S.1.

(8) Obstructing Watercourses. No person shall obstruct any drain or watercourse. By-law No. 10107, S.1(3).

(9) Other Public Nuisances. The throwing of stones or playing of games on a highway, the climbing of trees or fences, defacing of buildings with paint or writing or otherwise, and all other public nuisances of whatsoever kind or nature, are hereby prohibited.

(10) Criers and Vendors of Smallwares. Except as may be provided in any other by-law of the City, no crier and no vendor of smallwares shall practise his calling in the market place, or on the highways or on any vacant lot adjacent to the market place or to a highway. By-laws Nos. 9417, S.1; 10107, S.1(4); 85-103, S.1.

(11) Retail Selling. Except as may be provided in any other by-law of the City, no person shall sell by retail in any highway or on any vacant lot, lot adjacent to a highway, any meat, fish, vegetables, grain, hay, fruit, flowers, beverages, smallwares or other articles.

Provided that this shall not be deemed to apply to the sale of newspapers or magazines in a highway, or to the operations of any licensed refreshment vehicle in a highway, or to door-to-door or other persons lawfully selling from door-to-door. By-laws Nos. 10107, S.1(5); 85-67, S.1.

(11a) Notwithstanding subsection 11, the untravelled portion of a highway within that portion of the City of Hamilton that may be used for commercial or industrial purposes, may be leased or licensed to the owners or occupants of adjoining property for the purpose of establishing an outdoor cafe and the City may determine the consideration and terms and conditions of the lease or licence and may determine what constitutes an outdoor cafe. By-law No. 75-315, S.1.

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting on a defined highway or part of a highway. By-law No. 83-022, S.1.

(2) Every person who erects, places or affixes a sign or posts a notice contrary to subsection 1 shall upon written or oral notice forthwith pull down or remove the sign or notice. By-law No. 83-022, S.1.

(3) Notwithstanding subsection 1, the City may grant permission to erect, place or affix a sign or post a notice

upon such terms and conditions as the City may require, but nothing in this by-law shall oblige the City to grant such permission. By-law No. 83-022, S.1.

- (4) For the purpose of this section,
- (a) "building" includes structure;
 - (b) "defined highway" means a highway listed in City Traffic By-law No. 66-100 and in Regional Municipality of Hamilton-Wentworth By-law No. R 77-78, situate within the City;
 - (c) "local board" has the same meaning as in The Municipal Affairs Act;
 - (d) "person" includes the owner of the sign or notice, any individual or organization that has erected or caused to be erected, placed or affixed the sign or that has posted or caused to be posted the sign, or any individual or organization holding themselves out in the content of the sign or notice as sponsoring or responsible for the message therein;
 - (e) "property" means a building owned or used by the City, or local board, or used by any person on City land;
 - (f) "sign" does not include,
 - (a) a sign, advertising device or other device or apparatus within the meaning of section 5 of Traffic By-law No. 66-100; or
 - (b) a sign that is of a temporary nature and is free standing and on its own supports.
By-law No. 83-022, S.1.

PENALTIES

17. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.00. By-laws Nos. 73-39, S.1; 79-106, S.4; 81-218, S.1.

REPEAL

18. The following by-laws are hereby repealed, namely:


- (a) By-law No. 5789 Respecting Streets, passed on the 28th day of May, A.D. 1946, and all amendments thereto;
- (b) By-law No. 8317 Respecting the Sale and Setting Off of Fireworks, passed on the 10th day of June, A.D. 1958, and all amendments thereto;
- (c) By-law No. 8567 Prohibiting the Discharge of Firearms, passed on the 10th day of March, A.D. 1959, and all amendments thereto;
- (d) By-law No. 48 of the Revised By-laws of 1910, Respecting sand and gravel pits, and all amendments thereto; and
- (e) By-law No. 2380 of the Township of Barton To Regulate the Operation of Pits and Quarries, passed on the 30th day of June, A.D. 1958.

19. Every reference to By-law No. 9329 shall be a reference to this by-law.

20. The short title of this by-law is "The Streets By-law".

PASSED this 25th day of FEBRUARY A.D. 1986.


City Clerk


Mayor



Bill No. B-77

The Corporation of the City of Hamilton

BY-LAW NO. 88-244

To Amend:

Streets By-law No. 9329

Respecting:

TREES AND SHRUBS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 86-77 was passed on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329 as amended to date;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 4(a) of the Eighth Report of the Transport and Environment Committee at its meeting held on the 10th day of May, 1988, directed that By-law No. 9329 (as consolidated by By-law No. 86-77) be amended further with respect to the planting of trees and shrubs on the boulevards and road allowances in the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:

(b) Owners of Land May Plant Shrubs. Subject to subsection (3)(bb), any owner of land abutting on a highway may plant hedges and shrubs and other plant material upon that portion of the highway upon which his or her land abuts and which has been set apart for the purpose of a side-boulevard.

(2) Section 5(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by inserting after the numeral (2) the letter (a).

2. Section 5(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding thereto the following subsection:

- (bb) 1. No hedge or shrub or other plant material that is planted within 10 feet of a public sidewalk or curb or edge of a roadway shall be permitted to exceed 30 inches in height.
- 2. No hedge or shrub or other plant material shall be so planted, or permitted to grow to such an extent, that it overhangs the sidewalk, shoulder or roadway.

3. Section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is further amended by adding thereto the following subsection:

(10) Pruning. Every person who plants a tree or trees on a side-boulevard within 10 feet of a public sidewalk, curb, or edge of a roadway shall prune the tree or trees to the trunk for the first 8 feet above the ground.

4. In all other respects, section 5 of By-law No. 9329, as consolidated by By-law No. 86-77, is hereby confirmed, unchanged.

5. (1) Section 9(2) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word "hedge" in the sixth line, the following:

shrub, tree, or other plant material,

(2) Section 9(3) of By-law No. 9329, as consolidated by By-law No. 86-77, is amended by adding after the word "hedge" in the second line, the following:

shrub, tree or other plant material,

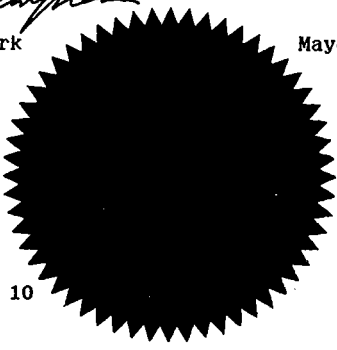
(3) In all other respects, section 9 of By-law No. 9329, as consolidated by By-law No. 86-77 is hereby confirmed, unchanged.

PASSED this 25th day of October

A.D. 1988.

[Handwritten Signature]
City Clerk

[Handwritten Signature]
Mayor



(1988) 8 R.T.E.C. 4a, May 10

The Corporation of the City of Hamilton

BY-LAW NO. 92-010

To Amend:

By-law No. 86-77

Respecting:

SERVICE CLUB SIGNS ON HIGHWAYS

WHEREAS By-law No. 86-77 was enacted by the Council of The Corporation of the City of Hamilton on the 25th day of February 1986 to consolidate Streets By-law No. 9329;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 12 of the 15th Report of the Transport and Environment Committee authorized the preparation of this by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 1 of By-law No. 86-77 is amended by repealing clause (b).

2. Section 1 of the said by-law is amended by repealing clause (ba) and replacing it with the following:

(ba) "Commissioner of Transportation/Environmental Services" means the Commissioner of Transportation/Environmental Services of The Regional Municipality of Hamilton-Wentworth;

3. Section 1 of the said by-law is amended by adding the following clause:

(dd) "Service Club" means a non-profit organization or association which has charitable or social objects;

4. Section 11 of the said by-law is amended by adding the following subsection:

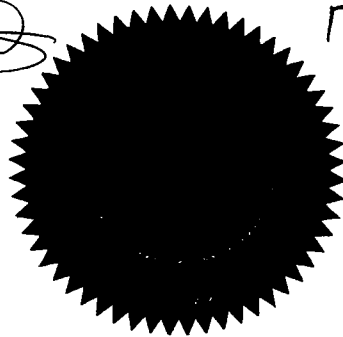
(14) Service Club Signs. The Commissioner of Transportation/Environmental Services may issue a permit to allow the placing of service club signs upon the City highways. The location of the signs shall be acceptable to the Commissioner of Transportation/Environmental Services and to the Traffic Commissioner. The signs shall be constructed and installed by the City at the expense of the service club.

5. Section 17 of the said by-law is repealed and replaced by the following:

17. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the fine specified in section 62 of the Provincial Offences Act, R.S.O. 1980, Chapter 400, as amended.

PASSED this 14th day of January A.D. 1992.


City Clerk




Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 93- 003

To Amend:

Streets By-law No. 86-77

Respecting

SIGNS

WHEREAS the uncontrolled posting of signs and notices on utility poles on the highway creates a safety hazard for City employees and a potential traffic hazard;

AND WHEREAS the posting of signs and notices creates an aesthetic and visual blight;

AND WHEREAS the City provides kiosks for the public to affix signs in certain parts of the City;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 16a. of By-law 86-77 is repealed and the following is substituted in lieu:

16a. (1) No person shall erect or place or affix a sign or post a notice on property abutting a highway or part of a highway except in accordance with this section.

(2) Any person posting a sign or notice shall follow the directions of the Director of Public Works.

(3) Signs or notices shall be fastened with adhesive tape. No person shall fasten the sign or poster on a utility pole with staples or any metal device.

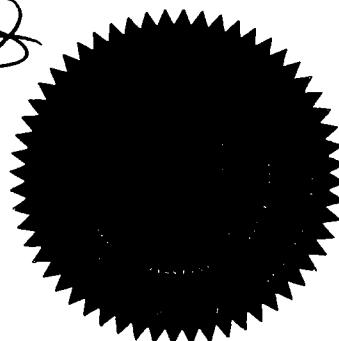
(4) The person posting the sign or notice shall remove the sign or notice and all posted materials five days after the event advertised has occurred.


(5) No sign or notice which exceeds the dimensions of eleven (11) inches wide by seventeen (17) inches long shall be posted.

(6) For the purposes of this by-law, "sign" does not include a sign that is free standing and on its own supports.

PASSED this 12th day of January , A.D. 1993.


City Clerk




Mayor

The Corporation of the City of Hamilton

By-law No. 94 - 016

To Amend Streets By-law No. 9329

As Consolidated by By-law No. 86-77

Respecting

SNOW AND ICE ON HIGHWAYS

WHEREAS City Council, on February 8, 1994, in adopting Item 13 of the 2nd Report of the Transport and Environment Committee authorized an amendment to subsection 5 of Section 7 of By-law No. 86-77;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 7 of By-law No. 86-77 is repealed and replaced by the following:
 - "5. No person shall throw, place, bring or deposit snow or ice or slush onto the travelled portion of any highway or obstruct drainage to any drain or sewer or obstruct access to any fire hydrant."

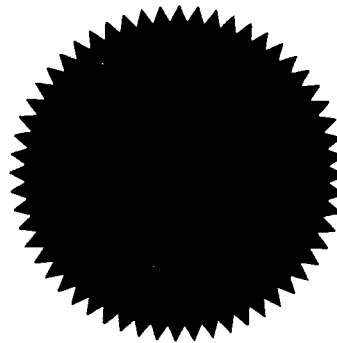
PASSED this *8th* day of *February* 1994.



CITY CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 96-122

To Amend:

Streets By-laws No. 86-77

Respecting:

TEMPORARY HIGHWAY CLOSURES FOR EVENTS

WHEREAS the Council of The Corporation of the City of Hamilton has enacted "The Streets By-law" No. 86-77, on the 25th day of February 1986;

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44) states as follows:

"207. By-laws may be passed by the councils of all municipalities:

44. **Temporary closing of highway.** -- For closing to vehicular traffic on a temporary basis for such period as shall be specified in the by-law, any highway under the jurisdiction of the council for such social, recreational, community, athletic or cinematographic purpose, or combination of such purposes, as may be specified in the by-law and for authorizing a committee of council or a municipal officer or employee, subject to such conditions as council may impose, to exercise any of the powers of council under this paragraph.

- (b) A by-law under this paragraph may prohibit the use, except for pedestrian traffic, of the highway or portion of the highway so closed during the period of closure except under the authority of a Permit issued under the by-law upon such terms and conditions, including such fee for the Permit, as may be set out in the by-law."

AND WHEREAS the Municipal Act, R.S.O. 1990, c. 45, section 207(44)(a) provides that clauses (a) and (b) below, with necessary modifications, apply where closures of highways on a temporary basis to vehicular traffic are authorized pursuant to section 207 (44) of the Municipal Act:

- (a) Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing.
- (b) While a highway or portion thereof is so closed to traffic, there shall be erected at each end of such highway or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously from sunset until sunrise and at such points there shall be erected a detour sign indicating the alternative route and containing a notice that the highway is closed to traffic.

AND WHEREAS it is desirable to amend the said Streets By-law to provide for the matters referred to in section 207(44) as hereinafter provided;

AND WHEREAS Council at its meeting held on May 14, 1996, in adopting Item 27 of the 7th Report of the Transport and Environment Committee, resolved to amend the Streets By-law as follows.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 86-77 is amended by adding thereto the following definitions to section 1,

- (f) "Chief of Police" means the Chief of Police for the Regional Municipality of Hamilton-Wentworth;
- (g) "Fire Chief" means Chief of the Fire Department of the City of Hamilton;
- (h) "motor vehicle" means motor vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended.

2. By-law No. 86-77 is amended by adding thereto the following provision as section 6.1:

6.1 (1) In this section,

(a) "social, recreational, community, athletic or cinematographic purposes" shall be deemed to include the following events:

- (i) bicycle races;
- (ii) bicycle rides for charity;
- (iii) film making and television productions;
- (iv) hay rides;
- (v) music festivals;
- (vi) parades and processions regulated pursuant to By-law No. 75-42
- (vii) religious ceremonies;
- (viii) running races;
- (ix) soap box derbies;
- (x) street dances;
- (xi) street festivals - jugglers, magicians, etc.,
- (xii) walk-a-thons;

(b) the phrase, closure on a temporary basis, means a closure for a period or periods of time totalling less than thirty six hours and comprising no single period of closure in excess of 12 consecutive hours to a maximum of twenty-four hours closure within any forty-eight hour period;

(2) Except where otherwise lawfully permitted, a highway shall not be closed in whole or in part to vehicular traffic on a temporary basis and used for social, recreational, community, athletic or cinematographic purposes except under the authority of a Permit issued under this section upon the terms and conditions, including such fee for the Permit, as may be set out in this by-law.

(3) **Committee.** A special committee of Council is hereby established to be known as the Highway Temporary Closures Committee. The Secretary of the Committee shall be the City Clerk or the Clerk's designate. This Committee shall be comprised of the following elected officials and decisions may be made by any three members of the Committee:

- (a) the Mayor, (or Acting Mayor);
- (b) the Chairman of the Transport and Environment Committee, (or Vice Chairman); and
- (c) the Aldermen of the Ward within which a highway is intended to be temporarily closed to vehicular traffic.

(4) (a) Applications to close a highway in whole or in part on a temporary basis to vehicular traffic for the social, recreational, community, athletic or cinematographic purposes listed below shall be under the jurisdiction of the Transport and Environment Committee for recommendation to Council:

- (i) events involving the sale and/or consumption of alcohol;
- (ii) events involving gambling;
- (iii) motor vehicle and motorcycle races;
- (iv) events with aircraft, including passenger balloons and parachutes;
- (v) events within the downtown area bounded by Bay, York, Wilson, Wellington and Main Streets;
- (vi) events taking place in more than one ward;

(b) **Delegation of Authority.** Subject to subsection (a) above, the power of Council to authorize the closing of highways in whole or in part on a temporary basis to vehicular traffic for social, recreational, community, athletic or cinematographic purposes is hereby delegated to the said Highway Temporary Closures Committee, pursuant to the Municipal Act, [R.S.O. 1990, c. M.45, s. 207(44)];

(c) Applications for closure of a highway to vehicular traffic shall not be approved pursuant to this by-law where the closure is for a period longer than "on a temporary basis" or the closure is for other than social, recreational, community, athletic or cinematographic purpose, or combination of such purposes.

(5) (a) An application for closing a highway in whole or in part on a temporary basis to vehicular traffic for an event may be,

- (i) approved, subject to the conditions herein together with such other conditions of approval which may reasonably be required as a condition of approval; or
- (ii) denied, or
- (iii) where an application is under the jurisdiction of the Highway Temporary Closures Committee, as an alternative to (i) or (ii) above, the special Committee may refer the application to the Transport and Environment Committee for consideration and recommendation to Council;

(b) No decision shall be made by the Highway Temporary Closures Committee until,

- (i) the applicant has submitted an application to the City;

- (ii) the applicant has paid an application fee at such rate as Council may require from time to time; and
- (iii) the Committee has received the appropriate staff report and recommendation on the application;

(c) All decisions of the Highway Temporary Closures Committee shall be reported to the Transport and Environment Committee for the information of that Committee;

(d) **Appeals.** A decision of the Highway Temporary Closures Committee under this section may be appealed by the applicant to the Transport and Environment Committee for its recommendation to Council, provided the applicant submits a Notice and grounds of appeal in writing to the Secretary of the Transport and Environment Committee.

(6) The closure and occupation of a highway for a greater area or for a longer period of time than may be necessary in the opinion of the Committee, having regard to the nature of the proposed purpose and the safety and convenience of the public, shall not be approved. Events upon a highway in a residential area shall be restricted to the period between 8:00 a.m. and 11:00 p.m. unless otherwise permitted as a condition of approval.

(7) All closures of highways in whole or in part on a temporary basis to vehicular traffic, approved by the Highway Temporary Closures Committee or Council, as the case may be, shall be subject to the conditions in this by-law and to additional specific conditions of approval, if any.

(8) (a) **Application.** Every application for a closure of a highway in whole or in part, to vehicular traffic on a temporary basis, shall be submitted to the City and shall include the following minimum information:

- name and street address of applicant (event sponsor) and the mailing address, (if different) ;
- charitable registration number of applicant, (if any), from Revenue Canada;
- name and contact address of applicant's agent or representative;
- proposed location(s) of the portion(s) of highway(s) to be closed on a temporary basis to vehicular traffic;
- proposed hours and date(s) of closure of highway to vehicular traffic;
- specific nature of proposed event;
- proposed hours and date(s) of event;
- where applicable, number of estimated participants and number of estimated spectators;
- the fees or charges (if any) intended to be received by the applicant from participants in the proposed event or from members of the public.

(b) The application shall be reviewed, circulated for comments to the appropriate departments and public agencies and a recommendation on each application shall be made for a decision:

(9) **Application Fees.** Every applicant shall pay such application fee at such rate as may be prescribed from time to time by Council. Council may set fees for the following classes of applicants:

- (i) applications by a commercial organization, (including non profit companies comprised of commercial organizations);

- (ii) applications by a charitable organization registered as a charity with Revenue Canada, or by a board or commission as defined in the Municipal Affairs Act;
- (iii) applications by a person not within either of the above two groups.

(10) **Agreement to cover costs and indemnify City.**

(a) Every applicant shall, prior to the issuance of a Permit, enter into a Licence Agreement with and satisfactory to the City in accordance with the conditions of approval, in respect of the temporary closing and the proposed event, regarding the standard and additional specified conditions, (if any), of approval, including, the following minimum conditions:

- (i) the area of the highway to be closed on a temporary basis, the hours and date of such closure, the purpose of the closing, ie social, recreational, community, athletic or cinematographic purpose, and the nature of the proposed event;
- (ii) payment of application fee for this privilege at such rate as may be fixed by Council from time to time;
- (iii) set up, maintenance, dismantling and clean up of applicant's equipment, including clean up of the highway;
- (iv) reimbursement of the City for any costs incurred or to be incurred by the City as a result of such occupation and the deposit with the City the estimated amount of such costs prior to issuance of the Permit;
- (v) indemnification of the City, Regional Police, The Regional Municipality of Hamilton-Wentworth, and any board, commission or utility from any action, claim, damage, or loss whatsoever which may be sustained as a result of the applicant's event, arise from closing of the highway to traffic, issuance of the Permit or from the occupation of the highway thereunder;
- (vi) where the applicant is not incorporated, the licence agreement shall be signed by not less than two persons who shall assume the obligations in the licence agreement in favour of the City.

(b) In addition, as a condition of approval, an applicant may be required to provide the following, (details of which shall be included in the said Licence Agreement):

- (i) payment of cash or letter of credit satisfactory to City, as security that conditions of approval will be fulfilled, including clean up of highway and that expenses incurred by the City shall be paid;
- (ii) agreement of a bonding company acceptable to the City and licensed to carry on business in Ontario, in such sum as may be required, to indemnify and save harmless the City, from any and all actions, claims, damages and loss whatsoever, arising from such use of the highway;

- (iii) a consent and waiver from owners of adjoining lands of all claims against the City for any damages which may result, whether directly or indirectly, from such closure and use of that part of the highway, which shall be filed with the City before the Permit is issued;
- (iv) such other conditions as may reasonably be required in the opinion of the Committee or Council, as the case may be.

(11) **Insurance.** Every applicant shall, prior to issuance of a Permit, obtain and file with the City, a Comprehensive General Liability, Property Damage, Bodily Injury insurance in the amount of \$2,000,000.00, (or such larger amount as may be required as a condition of approval), covering the activity -- with a company and in a form satisfactory to the City, in the name of the applicant and providing The Corporation of the City of Hamilton and The Regional Municipality of Hamilton-Wentworth as additional insured, subject to cross liability and severability of interest provisions.

(12) **Issuance of Permit.**

After an application is approved, a Permit shall not be issued for an event until the following matters have been completed and/or received as required from the applicant:

- (a) evidence satisfactory to the City of compliance with the conditions in this provision and the conditions of approval, if any, specified in the decision, including in particular, the filing of a Certificate of the required Insurance and entering into the indemnification agreement;
- (b) a declaration confirming that owners, tenants, or occupants of premises adjacent to City highway intended to be closed have been notified of the intended closure of the highway to vehicular traffic and of the proposed event, including their respective times and details;
- (c) evidence of approval from the Chief of Police or his designate, to the closure and that such special duty police officers as may be deemed necessary by the Chief of Police will be provided at the applicant's expense.

(13) **Terms of Permit**

- (a) Every Permit shall indicate which part of the highway may be so used, during what period of time, and every Permit shall be during the pleasure of the City, subject to cancellation at any time by the Highway Temporary Closures Committee;
- (b) A permit issued under this by-law is not transferable. The City reserves the right to require the applicant to fulfill such additional conditions of approval as may be specified at any time.

- (c) **Cancellation of Permit.** In case of emergency or where it is believed that the applicant is or will be in breach of any condition of the Permit or that an unsafe or hazardous condition has or is about to arise, the Highway Temporary Closures Committee, staff, or any police officer, may, at any time, require an applicant to cease activities covered by the Permit in whole or in part for such period(s) as may be directed.

(14) **Closure of highway to vehicular traffic on temporary basis.**

After a Permit is issued hereunder, staff,

- (a) is authorized to and shall take steps necessary to prohibit vehicular traffic in order that the said highway or that portion of it being so closed, shall be temporarily closed and, for that purpose to cover such traffic signs and parking meters as may be necessary to give effect to the approved closure of the highway to vehicular traffic;
- (b) shall immediately forward a copy of the approved decision, the additional specified conditions of approval if any, and the Permit, to the appropriate departments and agencies, including, the Ward Aldermen;

(15) **Standard Conditions of Approval.** All closures of highways to vehicular traffic on a temporary basis for an event are subject to the applicant fulfilling each of the following standard conditions of approval:

- (a) **Notice.**
 - (i) Prior to the issuance of the Permit, that all property owners and tenants adjacent to the highway intended to be closed on a temporary basis be notified by the applicant of the temporary highway closing and the proposed event, in a form and at date(s) satisfactory to the City. Such notification shall not be less than a full fourteen day's notice prior to the event;
 - (ii) such other Notice to the public on such dates, in such form and in such media as may reasonably be required in the opinion of the City;
 - (iii) wherever an applicant recognizes or credits in any form of media, contributors whose assistance made the event possible, the applicant shall include the City among those credits.
- (b) **Admission Charges.** That the applicant shall not collect any admission charges except when expressly permitted in the City's decision;
- (c) **Consent of Participant.** That prior to the event, where the event is a race or other competitive athletic event or sport, the applicant shall obtain from each participant a Release, Waiver and Indemnity of the City from any and all claims resulting from the event, satisfactory to the City and file such Releases with the City;

(c) **Alternative Route.**

- (i) That no property owner or resident adjacent to the highway closed to vehicular traffic shall, because of the temporary highway closing and the event, be denied access by foot to their property. Further, the applicant shall take all reasonable action required to ensure the safety of and minimize interference with owners, tenants, and occupants of adjoining properties;
- (ii) That where a highway or portion thereof is so closed, the applicant shall provide and keep in repair within the portion of the highway closed to vehicular traffic, to the extent required, a reasonable temporary route satisfactory to staff for the use of emergency vehicles and for all property owners to obtain pedestrian access to their property;

(Note: The Municipal Act states that, with necessary modification, "Where a highway or portion thereof is closed by by-law under this paragraph, the municipality shall provide and keep in repair a reasonable temporary alternative route for traffic and for all property owners who cannot obtain access to their property by reason of such closing." Municipal Act, R.S.O. 1990, c.45, section 207(44)(a))

- (d) **Supervision, Inspection, and Inspection Fees.** That all temporary closings be carried out under the direction of and satisfactory to staff; the applicant shall not in advance or during the event erect any traffic or parking signs upon or adjacent to the highway.
- (e) **Other By-Laws.** That the applicant comply with the other by-laws of the City and the Region, including The Noise Control By-law and the bylaw titled, The City of Hamilton Licensing Code.
- (f) **Other Requirements.** That the applicant comply with such other conditions that may be specified in writing as a condition of approval and such additional conditions that may be required in writing or verbally by the City before or during the event;
- (g) **During the temporary closing of highway.**
 - (i) That the applicant use only the permitted part(s) of a highway in accordance with the terms of the Permit, the conditions of approval and provisions of this By-law.
 - (ii) That regular reports shall be given by the applicant to the City of the progress of compliance with conditions for the event and subsequently, restoration of the highway;
 - (iii) That the temporary closings be carried out in a proper workmanlike manner, with all property precautions and safety measures for the protection of public and private property, including maintenance of all necessary warning lights and watchmen, all under the direction and to the satisfaction of staff;

- (iv) That the applicant not allow any portion of the event, including spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the event, to block any fire hydrants, access/egress ramps, snow and garbage removal, or interfere with the installation, maintenance, or repair to any plant or equipment of the City, The Regional Municipality of Hamilton-Wentworth or any other utility in the City highway .
- (v) That the applicant not allow any of the applicant's event, its participants, spectators or equipment, to impede emergency vehicles;
- (vi) **Barricades and Detour Signs.** That prior to and during the closure of the highway to vehicular traffic, the City shall erect and maintain sufficient warning signs and devices to adequately warn the public of the occupation and obstruction of the highway, at each end of the highway or portion thereof so closed to traffic, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and in good working order continuously (except during full daylight), and at such points shall be erected detour signs indicating the alternative route and containing a notice that the highway is closed to traffic.

All barricading, temporary highway closure signs, detour signs warning signs and devices, including labour and materials for their construction, erection, maintenance and removal, shall provided by and at the expense of the applicant and the applicant shall pay the City those costs.
- (vii) That all barricading, detour signing equipment and other property of the applicant and traffic control be subject to the direction of the Chief of Police or his/her designate;
- (ix) That if it is necessary for the City to relocate, remove or alter the signs, barricades or other equipment or property of the applicant for any reason whatsoever, either before, during or after the event, the applicant shall re-imburse the City against such costs and against any loss, cost or damage arising from such work;
- (x) That the applicant comply with all other provisions of the Streets By-law and obtain all other applicable approvals to the temporary closing and the event;
- (h) **After event.** That the applicant, at its expense, carry out clean up operations immediately after the event to restore the highway to as good condition as before as expeditiously as possible and before re-opening of the highway(s) to vehicular traffic.

The applicant, upon demand, after the event, pay to the City all costs incurred by the City pursuant to this by-law in excess of the cost pre-estimate monies or security already received by the City, (if any).

(16) In the event of non-compliance with the provisions herein, by any person, an Order to Comply may be issued and served upon such person, by,

- (a) the City Clerk or any authorized by-law enforcement officer for the City; or
- (b) the Chief of the Fire Department, or the Chief Fire Prevention Officer, or any Officer or Inspector of the Fire Department; or
- (c) the Chief of Police or any other police constable.

(17) Every person to whom an Order to Comply is issued, or upon whom an Order to Comply is served, shall, forthwith, take such steps as are necessary to comply with the Order within the time provided for compliance.

(18) Where any holder of a permit fails to comply with an Order to Comply issued pursuant to this by-law, in addition to any other remedy or penalty under this by-law, the City may immediately revoke their permit and shall forthwith cause them to be served with a written notice of such revocation and upon service of the notice of revocation the permit holder shall forthwith surrender the permit to the City.

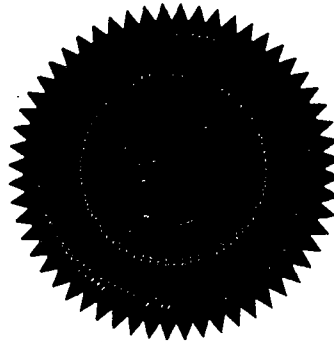
2. This by-law comes into force and effect on the date of its passing and enactment in respect of all applications submitted to the City on or after the said date.

3. Except as amended herein, Streets By-law No. 86-77 is hereby confirmed.

PASSED this 9th day of July A.D. 1996

D. J. Hollonell

Acting CITY CLERK



[Signature]
Acting MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 96-205

To Amend

By-law No. 86-77

**TO REGULATE USAGE OF HEDGES, SHRUBS
AND PLANT MATERIAL ON ROAD ALLOWANCES**

WHEREAS Subsection 308(3) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the council of every municipality to pass by-laws for placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain, and use objects in, on, under or over highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used and for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable;

AND WHEREAS Subsection 314(1) of the Municipal Act, R.S.O. 1990, c. M.45 as amended authorizes the councils of all municipalities to pass by-laws for prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 9329 on the 9th day of May, 1961, being the Streets By-law, to regulate, among other things, the planting of trees and shrubs along the boulevards and road allowances in the City of Hamilton;

AND WHEREAS By-law No. 86-77 was enacted on the 25th day of February, 1986 to consolidate the Streets By-law No. 9329;

AND WHEREAS By-law No. 88-244 was passed on the 5th day of October, 1988 to amend By-law No. 86-77 on the planting of trees and shrubs on boulevards and the road allowance;

AND WHEREAS By-law No. 88-244 was repealed by By-law No. 92-155;

AND WHEREAS City Council, on July 9, 1996, in adopting Section 12 of the 10th Report of the Transport and Environment Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (1) Paragraph (d) of Section 1 of By-law No. 86-77 is amended by deleting paragraph (d) and substituting in lieu,
 - (d) "Director of Public Works" shall mean the "Commissioner of Public Works and Traffic".
- (2) Paragraph (e) of Section 1 of By-law No. 86-77 is further amended by deleting paragraph (e) and substituting in lieu,
 - (e) "Traffic Commissioner" shall mean the "Commissioner of Public Works and Traffic".

2. By-law No. 86-77 is amended by the addition of the following Section:

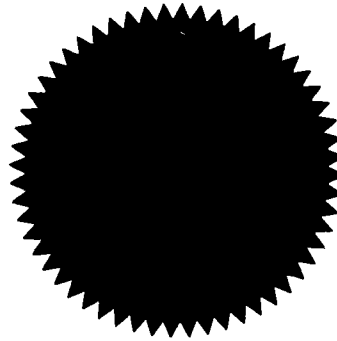
OWNERS OF LAND MAY PLANT HEDGES AND SHRUBS

- 5. (1) Hedges, shrubs and other plant material may be permitted on the boulevard of the highway provided that any such hedge, shrub or other plant material situated within the highway
 - (i) shall not create an obstruction to traffic using the highway;
 - (ii) shall be maintained by the owner of the land abutting the highway at not higher than 76 cm or 30 inches in height;
 - (iii) shall not overhang the sidewalk, shoulder or roadway;
 - (iv) shall maintain a minimum clearance of 0.6 metres or 2 feet from a fire hydrant, and
 - (v) shall not obstruct the view of a fire hydrant from the road.
- (2) Where an owner of land abutting a highway has planted a tree on the boulevard of a highway, the tree shall be pruned to the trunk for the first 2.4 metres or 8 feet by the Department of Public Works and Traffic.

PASSED this 10th day of December, 1996.



CITY CLERK



MAYOR

The Corporation of the City of Hamilton

By-law No. 97-162

To Amend:

By-law No. 86-77
The Streets By-law

Respecting:

PANHANDLING

WHEREAS paragraph 140, Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes municipalities to enact by-laws to regulate public nuisances;

AND WHEREAS Section 102 of the Municipal Act allows that every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act as may be deemed expedient and are not contrary to law;

AND WHEREAS the Council of the City of Hamilton deems it necessary to ensure citizens reasonably unencumbered access to pedestrian walkways within the City of Hamilton;

AND WHEREAS Council, on Thursday, 1997 August 7th, in adopting Section One of the Seventeenth Report for 1997 of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

Section 16 of By-law No. 86-77 is amended by the addition of the following subsections:

- (12) 12.1 For the purposes of this subsection:
- (a) "*cease*" means to stop or bring to an end.
 - (b) "*congregate*" means to gather into a group of more than one person.
 - (c) "*obstruct*" means to interfere with or make difficult of passage.
 - (d) "*officer*" means a sworn member of the Hamilton-Wentworth Regional Police Service or a municipal by-law enforcement officer appointed by the City of Hamilton.

General:

- 12.2 No person shall congregate and sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any streets or sidewalks regulated by this By-law.
- 12.3 Any person who obstructs pedestrian or vehicular traffic on a sidewalk or street shall, when directed to do so by an officer, cease such obstruction.

Exclusions:

12.4 Any parade, festive occasion or other event approved by the City of Hamilton shall be excluded from the provisions of this subsection.

Enforcement:

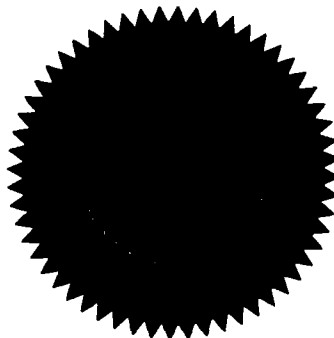
12.5 Sworn members of the Hamilton-Wentworth Regional Police Service and municipal by-law enforcement officers of the City of Hamilton are authorized to enforce the provisions of this by-law.

- (13) 13.1 For the purposes of this subsection, "aggressive panhandling" means:
 - (a) approaching, speaking to or following a person for the purpose of entreating or urging that person to give money, in such a manner as would cause a reasonable person to fear bodily harm or harm to property on the person's immediate possession;
 - (b) touching a person without their consent while panhandling from such person;
 - (c) repeatedly panhandling from a person, or following a person after a person has made a negative response; or
 - (d) panhandling by standing, sitting or otherwise in such a manner so as to intentionally block, obstruct or interfere with the safe passage of pedestrians or vehicles, including unreasonably causing a person or vehicle to take evasive action to avoid physical contact.
- 13.2 No person shall aggressively panhandle on any streets or sidewalks regulated by this by-law.
- 13.3 No person shall solicit money from any pedestrian by panhandling on any streets or sidewalks regulated by this by-law in such a manner as to interfere with the ability of pedestrians to enter business establishments located on such streets.

PASSED this 7th day of August 1997.



CITY CLERK



MAYOR

Authority: Item 4, Committee of the Whole
Report 03-028 (PW03130/PD03226)
CM: October 15, 2003

Bill No. 296

CITY OF HAMILTON
By-law No. 03-296
Being a By-law to provide for the removal of snow and ice from
roofs and sidewalks

WHEREAS Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, SO. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality of the "City of Hamilton";

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council for the City of Hamilton deems it expedient to enact a single By-law to provide for the removal of snow and ice from roofs and sidewalks, in place of By-laws of the former area municipalities;

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

Definitions

1. In this By-law,
 - (a) "City" means the City of Hamilton;
 - (b) "Council" means the council for the City of Hamilton;
 - (c) "Consecutive winter storm events" refers to any precipitation and/or accumulation of snow or ice from the beginning of the original winter snow event, and any subsequent storm events occurring within a 24 hour period of the cessation of the previous storm event;
 - (d) "Director" means the Director of the Operations and Maintenance Division of the Public Works Department for the City, and includes his designate and successor;
 - (e) "Highway" means a common and public highway under the jurisdiction of the City of Hamilton, and includes a street, sidewalk, boulevard whether paved or not paved, an unopened road allowance, and any portion of the land situated between street lines;

- (f) "Winter Storm Event" refers to any precipitation and/or accumulation of snow or ice.
- 2. In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender;
- 3. In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense

Application of By-law

- 4. The provisions of this By-law shall apply to all lands within the boundaries of the City, except for those areas designated as being exempt by the Director.

General Duties, Obligations, and Prohibitions

- 5. That every occupant or owner shall, within 24 hours of the cessation of a Winter Storm Event, or within 24 hours of the cessation of a series of Consecutive winter storm events, remove and clear all snow and ice from sidewalks abutting the highways in front of, or along side, or at the rear of any occupied or unoccupied lot, or vacant lot;
- 6. All owners or occupants of buildings where the roof or eaves of which abut or overhang the highway or sidewalk upon the highway shall, whenever ice or snow accumulates on the roof or eaves, remove the same immediately, and in a manner showing due care and precaution for the safety of persons passing.
- 7. No owner or occupant shall throw, place, bring, or deposit snow or ice:
 - (a) On or immediately adjacent to a fire hydrant, or in any manner that obstructs access to a fire hydrant;
 - (b) On or adjacent to a travelled portion of the highway, or in such a manner so as to interfere with the safe passage of vehicles, or pedestrians, or obstruct the visibility of vehicle operators or pedestrians
 - (c) In such a manner so as to obstruct drainage to any drain or sewer
- 8. That if the owner or occupant fails, neglects, or refuses to comply with Sections 5, 6, and 7 of this By-law, the Director in lieu of, or in addition to any other remedy provided by this By-law, is authorized to have the snow or ice to be removed at the expense of the owner or occupant, and in the case of non-payment, such expenses may be recovered in a like manner as municipal taxes.

Enforcement

- 9. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to inform any person of the provisions of this By-law and to request compliance therewith;

10. Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this Section is authorized to order any person believed by such Officer or employee to be in contravention of this By-law to desist from the activity consisting or contributing to such contravention;

Penalty

11. Any person contravening any provision of this By-law is guilty of an offence and upon conviction, is liable to such penalty as provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Severance

12. Should a court of competent jurisdiction declare any part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this By-law, and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with the terms to the extent possible under law.

Short Title

13. The short title of this By-law shall be "The Snow Removal By-law".

Repeals and Enactment

14. That By-law 88-152-S (Flamborough), By-law 86-77 (Hamilton) Section 7, By-law 4114-93 (Dundas), By-law 434-90 (Glanbrook), By-law 4477-96 (Stoney Creek), and By-law R77-109 (Regional Roads By-law) be repealed.
15. Any references to By-laws 88-152-S, 86-77, 4114-93, 434-90, 4477-96, and R77-109, as amended, antedating the passing and enactment of this By-law shall be deemed a reference to this By-law.
16. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 15TH day of October, 2003.


MAYOR
CLERK

Authority: Item 13, Public Works, Infrastructure
and Environment Committee
Report 06-010 (PW06034a)
CM: June 14, 2006

Bill No. 151

CITY OF HAMILTON

BY-LAW NO. 06-151

To Regulate the Planting, Maintenance, and Preservation of Trees on or Affecting Public Property

WHEREAS Council deems it in the public interest to protect Hamilton's tree assets on Public Property to preserve the quality of life and environment for the present and future inhabitants, and to ensure that any necessary tree removal is considered in advance and carried out under conditions as may be imposed;

AND WHEREAS *the Municipal Act S.O. 2001, Chapter 25* as amended, Sections 2 and 8 through 11, allows that Council may provide necessary and desirable services, manage and preserve public assets, foster environmental well-being, and exercise specific and general powers to act, and to regulate and prohibit the acts of others;

AND WHEREAS the City, pursuant to Section 135 of *the Municipal Act S.O. 2001, Chapter 25* may by by-law prohibit or regulate the injuring or destruction of trees;

AND WHEREAS the City, pursuant to Section 141 of *the Municipal Act* may provide trees to the owners of land adjacent to any highway;

AND WHEREAS the City, pursuant to Section 62(1) of *the Municipal Act* may, at any reasonable time, enter upon land lying along any of its highways to inspect trees and conduct tests on trees; and to remove decayed, damaged, or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

AND WHEREAS the City, pursuant to Section 62(2) of *the Municipal Act* may remove a decayed, damaged or dangerous tree or branch of a tree immediately without notice to the owner of the land upon which the tree is located, if in the opinion of the Employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway;

AND WHEREAS *the City of Hamilton Act, 1999, S.O. 1999, Chapter 14, Schedule C* did incorporate, as of January 1st 2001, the municipality known as the "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities, namely: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; the Corporation of the Town of Flamborough; The Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of

Stoney Creek, and to the Regional Municipality of Hamilton-Wentworth, all hereinafter referred to as the "former municipalities";

AND WHEREAS *the City of Hamilton Act, 1999*, provides that the By-laws of the former municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

Definitions and Application

1(1) In this By-law:

- (a) "City" as the context requires, means the municipal corporation "City of Hamilton" or the geographical limits of the municipality;
- (b) "Contractor" means a person engaged to perform a specific activity or service, on or at a particular land or premises;
- (c) "Council" means the Council for the City of Hamilton and includes its successor;
- (d) "Destroy" in relation to a tree includes any action which causes or results in the death of the tree, not limited to but including the acts of cutting, burning or knocking over the tree, and "destruction" shall have a corresponding meaning;
- (e) "Diameter at Breast Height or "DBH" means the diameter, including the bark, of the trunk of a tree measured at the lower of (a) a point 1.3 meters (4 feet and 3 inches) above the ground in an undisturbed state at the base of the tree, (b) in the case where the main trunk of the tree splits below the point in (a) the point of measurement shall be at the point on the tree trunk where the trunk separates, or (c) at the top of the stump of the tree where the tree has been cut down and all that remains of the stump is below the point in (a);
- (f) "Director" means the Director of Operations and Maintenance for the City and includes the Director's designate or successor;
- (g) "Drip Line" means the outer boundary of an area on the surface of the ground directly below and which corresponds with the outer edge of the crown of the tree;
- (h) "Emergency Work" means any work carried out by the City, a public utility service, or other authority and its contractors, whether above and below ground level, which is work necessary in an emergency situation for maintenance, or to restore or ensure service is maintained, and specifically includes the following whether as a repair, upgrade, or new installation, and without limiting the generality of the foregoing: utility

work, storm or accident damage repairs, road work, storm sewer and sanitary sewer work;

- (i) "Employee" means all employees, servants, and agents of the City of Hamilton or contractors hired by the City of Hamilton;
- (j) "Forestry and Horticulture Section" means the Forestry and Horticulture Section of the Operations and Maintenance Division within the Public Works Department of the City of Hamilton and includes its successor;
- (k) "Forestry Management Plan" refers to all City of Hamilton policies and procedures governing forest health, tree maintenance, planting requirements, activities affecting public trees, and includes the policies attached to this By-law as schedules;
- (l) "Good Arboricultural Practice" shall be a reference to the guidelines and practices relating to proper tree maintenance and care, as defined and published by the ISA (International Society of Arboriculture);
- (m) "Highway" means a common and public highway under the jurisdiction of the City of Hamilton, and includes any bridge, trestle, viaduct or other structure forming part of a highway, and includes any portion of a highway to the full width thereof;
- (n) "Improper Pruning" means trimming a tree so as to cause irreversible damage in a manner contrary to Good Arboricultural Practices;
- (o) "Injure" includes any act or treatment which causes irreversible damage to a tree and includes, but is not limited to the acts of changing grades around trees so as to affect further growth or health of the tree by exposing roots or burying the trunk or branches, compacting soil over root areas so as to prevent sufficient absorption by the tree of water, severing or damaging roots, the improper application of chemicals, improper pruning or the removal of bark and "injuring" and "injury" shall have corresponding meanings;
- (p) "Municipal Law Enforcement Officer" means a person appointed as such under this or any by-law of the City;
- (q) "Naturalized Area" means an area that has been set aside by the City of Hamilton for the undisturbed growth of any tree species where the desired effect is that of natural growth, and for the purposes of this By-law the term will include municipal woodlots and woodlands;
- (r) "Officer" means any person designated by the Director to carry out duties, issue orders or take actions under this By-law, and the term includes the Director;

- (s) "Operations and Maintenance Division" refers to the Operations and Maintenance Division of the Public Works Department of the City of Hamilton and includes its successor;
- (t) "Pest" means any organism, including but not limited to such things as insects or diseases whether viral, fungal, or bacterial, which directly or indirectly cause irreversible damage to the long-term health, vitality, longevity, and integrity of a tree;
- (u) "Planning and Economic Development Department" refers to the Planning and Economic Development Department for the City of Hamilton and includes its successor;
- (v) "Private Property" means land other than public property, and includes those public unassumed alleys which have been occupied or fenced by a person other than the City;
- (w) "Private Tree" means any tree which has greater than fifty (50) per cent of its trunk diameter measured at ground level on private property;
- (x) "Pruning" means the cutting away of parts of a tree for reasons including but not limited to: safety concerns; maintenance of legislated clearances; tree health and vitality; disease control; clearance for pedestrian and vehicular traffic; visibility clearance for stop signs, traffic signals, and bus stops; clearance for buildings; removal of deadwood; crown thinning for tree health or to improve sunlight penetration; crown balancing to correct storm damage; crown reduction when overall size is considered problematic; or clearance from hydro lines and other utilities;
- (y) "Public Property" includes a highway, park, public unassumed alley, or any other public place or land owned by, or leased to, or controlled by, or vested in, the City;
- (z) "Public Tree" means any tree which has greater than or equal to fifty (50) per cent of its trunk diameter measured at ground level on public property, and "public tree" shall be used interchangeably with "municipal tree", "municipally owned tree", "City tree" or "City owned tree";
- (aa) "Public Works Department" means the Public Works Department for the City of Hamilton and includes its successor;
- (bb) "Removal" means the elimination, in whole or in part, of a tree;
- (cc) "Tree" means a plant of any species of woody perennial including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity;

- (dd) "Tree Maintenance" includes all operations of watering, trimming, pruning, spraying, injecting, fertilizing, treating, cabling and bracing, and any other like activity;
 - (ee) "Tree Protection Zone (TPZ)" means a restricted area, enclosed by fencing, around the base of a tree with a minimum radius equal to the drip line, which serves to protect a tree and its root zone;
 - (ff) "Work" means the labour, task, duty, function, or assignment often being a part or a phase of a larger activity or project, and shall include, but not be restricted to, excavation, construction, development, ditching, tunnelling, trenching, soil disturbances, or compaction.
- 1(2) In this By-law, the singular tense is deemed to be inclusive and interchangeable with the plural tense; the plural tense is deemed to be inclusive and interchangeable with the singular tense.
- 1(3) In this By-law, where both metric and imperial measurements are given for the same item, the imperial measurement is provided for convenience only and is approximate.
- 2(1) Subject to subsection 2(2), this By-law applies to:
- (a) Persons within the City of Hamilton;
 - (b) Public trees; and
 - (c) Private trees, which pose a threat or hazard to persons or property on public property.
- 2(2) This By-law does not apply to:
- (a) Trees in private woodlands, as woodlands are defined in By-law No. R00-054 of the former Regional Municipality of Hamilton-Wentworth, or such successor by-law enacted under the authority of Section 135 of *the Municipal Act*;
 - (b) Woodlots, as defined in By-law No. 4401-96, as amended of the former City of Stoney Creek; or
 - (c) The matters listed in sub-section 135(12) of the Municipal Act.
- 2(3) The requirements and prohibitions in this By-law are in addition to any applicable prohibitions or requirements in the City of Hamilton Parks By-law No. 01-219 as amended, and in the event of conflict, the provisions which are most protective of trees prevail.

Authority of the Director

- 3(1) The Director is hereby authorized to administer and enforce this By-law and has delegate authority granted by Council to execute the provisions of this By-law or to provide consent or approval where required, including the imposition of conditions as necessary to ensure compliance with this By-law and ensure minimal removal or other negative effects from removal of trees.
- 3(2) The Director may request municipal law enforcement officers to enforce this By-law, who shall have the authority to carry out inspections, issue orders, and otherwise enforce this By-law, and the Director may assign duties or delegate tasks under this By-law whether in his or her absence or otherwise.
- 4 The Director has the authority to develop and maintain a Forestry Management Plan including level of service standards and practices / guidelines.
- 5 Where consent of the Director is required under this By-law, and where permission or approval has been refused, or where permission or approval has been granted and subsequently withdrawn, written justification must be provided to the individual detailing the basis for not granting approval.
- 6 In addition to the authority otherwise provided in this By-law and subject to the Council authorized budget, the Director is authorized to perform or arrange the performance of the following duties:
 - (a) Supervision of the planting, care, and maintenance of public trees;
 - (b) Supervision of the pruning or removal of trees:
 - (i) Upon public property;
 - (ii) Upon private property where the branches extend over public property and the removal is performed by City employees or contractors; or
 - (iii) Upon a highway where the branches of any public or private tree extend over a highway and the removal is performed by City employees or contractors.
- 7 The Director, once designated as an inspector by the President of the Canadian Food Inspection Agency, for the purposes of the *Plant Protection Act*, S. C. 1990, c.22, has the authority to inspect for the presence of pests and to take action including the removal of trees on all public and private property, in accordance with that Act.

Prohibitions Against Injury or Destruction

- 8 No Person shall undertake to or cause or permit the undertaking of any of the following actions towards a public tree:

- (a) Injure, remove, disturb, damage, destroy, cut above or below ground, spray, prune, or alter in any way a public tree; without prior approval and compliance with terms provided in Section 10, or as provided for in the City of Hamilton Public Tree Removal Policy; or
- (b) Deposit, place, store, or maintain any stone, brick, sand, concrete, soil, or any material, equipment, or vehicles that may impede the free passage of water, air, or nutrients to the roots of a public tree, or perform any work within the dripline of a public tree which causes the destruction of, removal of, or injury to the tree, without prior approval and compliance with terms provided in Section 10; or
- (c) Fasten any sign, bill, notice, wire, rope, nail, or other object to, around, on, or through any public tree in any manner, or around, on or through the stakes or posts that protect such tree; or
- (d) Cause or permit any gaseous, liquid, or solid substances which are harmful or toxic to any public tree, to come in contact with any public tree, or apply to a public tree or an area used by said tree's root system; or
- (e) Set fire to or permit any fire to burn where such fire or the heat thereof will injure any portion of any public tree; or
- (f) Interfere with fences, structures, barriers delineating tree protection zones, or associated signage or other protective devices around any public tree; or
- (g) Alter or change any soil levels on public property within the drip line of any public tree in a manner likely to cause injury to said tree; without prior approval and compliance with terms provided in Section 10; or
- (h) Excavate any ditch, tunnel, trench, or lay any walkway or driveway, or disturb the soil on public property, within the drip line of a public tree; without prior approval and compliance with terms provided in Section 10; or
- (i) Climb, or permit any person under their care or control to climb any public tree.

9(1) A person who damages or injures a public tree on public property or who causes or permits a person to damage or injure such a tree, shall be subject to the regulations listed in the City of Hamilton Reforestation Policy – Municipally Owned Lands in addition to any necessary enforcement under this By-law.

9(2) Where a person reports having injured or damaged a public tree, or where a person is found to have injured or damaged a public tree, the Director shall issue an order requiring that the person arrange for the payment of restitution in accordance with the regulations of the City of Hamilton Reforestation Policy –

Municipally Owned Lands, in addition to any necessary enforcement of this By-law.

Protective Measures For Trees During Construction

- 10 Any person undertaking to perform any work within the drip line of a public tree, requires the consent of the Director, and shall follow the regulations and conditions listed in the City of Hamilton Tree Preservation and Protective Measures For Trees Affected by Construction Policy and otherwise shall comply with any conditions imposed through the Director's consent.

Planting of Trees

Prohibited Species

- 11(1) No person shall plant or place, or cause or permit the planting or placing of a tree of the type or species listed below upon public property:
- (a) *Acer negundo* - Manitoba Maple;
 - (b) *Acer saccharinum* - Silver Maple;
 - (c) *Populus* spp. - Poplar Species;
 - (d) *Salix* spp. - Willow Species;
 - (e) *Ulmus pumila* - Siberian Elm; or
 - (f) *Ginkgo biloba* - Female only.
- 11(2) Unless authorized by the Director in writing, no person shall plant or place, or cause or permit the planting or placing of any coniferous trees upon public property.

Planting Trees on Public Property

- 12(1) No person shall, without prior written consent of the Director, plant or cause to be planted any tree on public property.
- 12(2) The City reserves the right, at its sole discretion, to plant, or to have planted trees on any portion of public property.
- 12(3) All trees planted by the City of Hamilton, or by any contractor or person on public property, are subject to this By-law, the City of Hamilton Street Tree Planting Policy – New Developments; and the City of Hamilton Street Tree Planting Policy – Planning & Design.
- 12(4) Any Tree planted or located on a highway is deemed to be a public tree and is subject to all the provisions and regulations contained in this By-law as well as

to the City of Hamilton Street Tree Planting Policy – New Developments; City of Hamilton Street Tree Planting Policy - Planning & Design; and the City of Hamilton Street Tree Planting Policy – Rural Roadways.

13(1) Notwithstanding Section 12;

- (a) Any tree planted on public property with or without the consent of the Director, is the property of the City, is deemed to be a public tree, and is subject to all terms and conditions as set out in this By-law;
- (b) For greater certainty, a tree referred to in subsection (a) above may be treated as a public tree or removed as provided for in this By-law, and in particular, any tree removed by the City may be removed without compensation owing by the City, and if removed by someone other than the City without the required permission for removal by the City, may result in enforcement, claims for compensation, and replanting costs and orders, and if such tree planted is a prohibited species, may be removed by the City or its contractors at the expense of the person planting or causing such planting to occur.

Tree Planting on Private Property

- 14(1) Any tree planted on private property, whether planted by the City or by any other person, is the property of the land owner and as such is the owner's sole responsibility.
- 14(2) The owner of property on which a private tree is standing shall not permit or leave the tree or branches thereof projecting over the highway in such manner as to obstruct the reasonable and safe use of the highway.

Removal of Trees

- 15 All authorized public tree removals and all private tree removals or pruning carried out by or on behalf of the City shall be performed by the City or by a contractor approved by the Director.
- 16 Excluding those public tree removals performed as "necessary for the public interest", as that phrase is defined in Section 18:
 - (a) The removal of all live, healthy public trees shall be subject to the provisions of the City of Hamilton Reforestation Policy - Municipally Owned Lands; and the City of Hamilton Public Tree Removal Policy;
 - (b) A person removing, injuring or damaging a public tree, where the Director in his sole discretion, decides that the tree needs to be replaced, shall, in addition to any enforcement of this By-law, be subject to the requirements of the City of Hamilton Reforestation Policy.

Public Tree Removals

- 17 The Director is authorized to remove or cause to be removed a tree or part thereof on public property when it is considered "necessary for the public interest", as that phrase is defined in Section 18, or in accordance with the City of Hamilton Public Tree Removal Policy.

Necessary for the Public Interest

- 18 For the purpose of Section 17, "necessary for the public interest" means removal for one or more of the following reasons:
- (a) A tree is decayed in whole or in part;
 - (b) A tree that has failed, or in its current physiological condition has the potential to fail, and by its failure, or potential failure, poses a direct and immediate threat to public property or to individuals using public property;
 - (c) A tree that is a source, host, or infested with any pest which directly or indirectly causes irreversible damage to the long-term health, vitality, longevity, and integrity of a tree;
 - (d) A tree whose structural value, or integrity, as determined by the Director, has been seriously compromised by construction, weather related events, or by pruning;
 - (e) A tree planted along a highway which obstructs or impedes the safe use of the same;
 - (f) A tree whose root system has been proven to compromise the structural integrity of the foundation of any building; or
 - (g) A tree of poor quality, or undesirable species whose removal is required to facilitate new street tree plantings.

Naturalized Areas

- 19(1) No person shall remove, or cause, or permit the removal of any public tree that has fallen in a naturalized area from such area.
- 19(2) Any public tree that has fallen in a naturalized area and impedes on the use of public property may be cut back by the City of Hamilton so as to provide safe access and use of the public property, however, the tree will not be removed from the area.

Private Trees

- 20(1) Subsections (2) and (3) of this section do not apply where the City does not enter private property for its property or highway maintenance purposes, and in particular do not apply when the City, from its own property, removes the portions of private trees growing upon or over its property and highways for the purposes of property or highway maintenance so as to ensure reasonable or appropriate use of the property or highway as determined solely by the City and the elimination of dangers or obstructions for users of the City properties or highways; and further, any rights or permissions granted in this or any by-law to persons to maintain trees on private property or part of the road allowance, or other public property shall be subject to this provision for needs or maintenance purposes and so as to allow the City to meet the legal obligations to maintain its highways and carry out its intentions towards use of its properties for its own and the public benefit.
- 20(2) Pursuant to section 62 of the *Municipal Act, 2001* and in accordance with section 431 of that Act where required, a municipal employee or a contractor of the municipality, for the purpose of tree trimming in relation to highways or for the maintenance of highways, may where necessary, at any reasonable time, enter on lands adjacent to any of its highways to:
- (a) inspect or conduct tests on trees; or
 - (b) remove decayed, damaged or dangerous trees or their branches, where in the opinion of the employee or contractor, the tree or branch poses a danger to the health and safety of any person using the highway.
- 20(3) Pursuant to subsection 62(2) of *the Municipal Act, 2001* a municipal employee or a contractor, where such person is of the opinion that a tree or branch of land adjacent to the highway poses an immediate danger to the health and safety of any person using the highway, where necessary and in accordance with paragraphs (b), (c) or (d) of section 431 of that Act where required, may enter the land without notice to remove the tree or branch.
- 20(4) Subsections 20(2) and (3) do not permit entry into a building on the land excepting where proper notices have been given or permissions obtained.
- 20(5) The owner of private property shall ensure that all trees growing partially on public property are maintained in good condition and state of repair, free of decay or damage, such that the tree or branches thereof do not pose a danger to persons on City properties or its highways.
- 20(6) The obligations in subsection 20(5) shall be deemed to include the requirement of the owner to cause or carry out such inspections and testing as are reasonably necessary to determine the condition of the private tree and its branches.

Regulations and Enforcement

Exclusions and Exceptions

- 21 The provisions of this By-law shall not apply to:
- (a) The employees of the City of Hamilton while engaged in the performance of their duties;
 - (b) The operators, drivers and attendants of authorized emergency services vehicles, Police Officers, Officers of the Hamilton Fire Service, or Municipal Law Enforcement Officers appointed by the Council of the City of Hamilton, while engaged in the performance of their duties; or
 - (c) The operators, drivers and attendants of authorized public utility companies including, but not limited to, a natural gas utility, a hydro electric provider, and any other public utility, or telecommunication company, provided that their vehicles and crews are clearly identified by a crest or other marking and provided the operator, driver or attendant is actively engaged in the provision of any emergency services offered by the utility.

Enforcement

- 22 A Municipal Law Enforcement Officer, an employee of the City designated as an officer by the Director for the purpose of this Section or a police officer is authorized to inform any person of the provisions of this By-law, to issue warnings or notices, and to issue an order for discontinuance or for compliance therewith in the terms and content required by Section 137 of the *Municipal Act, S. O. 2001, c. 25*.
- 23(1) A Municipal Law Enforcement Officer or police officer may enforce the provisions of this By-law.
- 23(2) An officer appointed for the purposes of this By-law may be issued identification by the Director for purposes including the issuing of orders.

Penalty and Remedies for Breach or Contravention

- 24 Any Person contravening any provision of this By-law or contravening an order to discontinue issued under this By-law pursuant to section 137 of the *Municipal Act* is guilty of an offence, and upon conviction is liable to the fines and obligations for replanting and rehabilitation specified in Section 138 of the *Municipal Act, S.O. 2001, Chapter 25*.
- 25(1) In addition to any other remedy and to any penalty imposed by the By-law, a court in which a conviction has been entered under this By-law, and any court of competent jurisdiction thereafter may:
- (a) Make an Order prohibiting the continuation or repetition of the offence by the person convicted; and

- (b) Order the person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

25(2) Where under this By-law a person is required or directed that a matter or thing be done and the person defaults or otherwise fails to comply, the Director may, pursuant to section 427 of the *Municipal Act, 2001*, carry out the thing or cause the matter to be done at the person's expense, and recover the City's costs as defined in that section by action or by adding the costs to the tax roll for the person and collecting them in the same manner as taxes.

Severance

26 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force or effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its remaining terms to the extent possible under law.

Short Title

27 The Short Title of this By-law shall be "The City of Hamilton Public Trees By-law".

Repeals and Enactment

28(1) The following By-laws of the former area municipalities, as may be amended, are hereby repealed: By-law No. 4156-95 (Stoney Creek), By-law No. 91-36-P (Flamborough), By-law No. 4502-99 (Dundas), By-law No. 4486-99 (Dundas), By-law No. 241-82 (Glanbrook), and By-law No. 92-155 (Hamilton).

28(2) By-law No. 86-077 (Hamilton Streets By-law), as may be amended, is hereby further amended in the following respects:

- (a) At the beginning of subsection 4(2), deleting the words "Subject to the provisions of this By-law respecting trees on highways, and";
- (b) Within subsection 4(2) repealing the words "grass, flowers and trees" and replacing them with the words "grass and flowers";
- (c) Section 5 of By-law No. 86-077 (Hamilton Streets By-law), as amended, is hereby repealed;
- (d) Sub-section 16(9) of By-law No. 86-077 (Hamilton Streets By-law), as may be amended, is hereby further amended by repealing the words "of trees" after the word "climbing"; and

- (e) In all other respects, By-law No. 86-77 (Hamilton) is confirmed without change.
- 28(3) By-law No. 328-86 (Glanbrook) as may be amended is hereby further amended by deleting “tree,” from clause 8(g), and in all other respects, By-law No. 328-86 (Glanbrook) is confirmed without change.
- 28(4) By-law No. 2000-118 (Ancaster) as may be amended, is hereby further amended in the following respects:
- (a) the title to By-law No. 2000-118 (Ancaster) is repealed and replaced with the following:

“Being a By-law to Prohibit the Injury or Destruction of Specified Classes of Trees on Private Property in the Geographic District of former Town of Ancaster in the City of Hamilton”;
 - (b) By-law No. 2000-118 (Ancaster) is further amended by repealing and replacing section 2.20 with the following:

“2.20 “Owner” means the owner as registered on title to the lands.”;
 - (c) By-law No. 2000-118 (Ancaster) is further amended by repealing and replacing section 2.31 with the following:

“2.31 “woodland” means any area of private land of 0.2 hectare (0.5 acres) or more with at least:

 - (i) 1000 trees per hectare (405 trees per acre) of any size;
 - (ii) 750 trees per hectare (303 trees per acre) measuring over 5 centimetres (2 inches) DBH;
 - (iii) 500 trees per hectare (202 trees per acre) measuring over 12 centimetres (5 inches) DBH; or
 - (iv) 250 trees per hectare (101 trees per acre) measuring over 20 centimetres (8 inches) DBH, not including orchards or plantations.

For the purposes of this By-law, the boundary of the woodland shall be defined by the ecological limit of the woodland and not by private property boundaries, and shall include the area up to the drip line of the woodland and any corridors measuring up to 30 metres in width. Where a potential woodlot is dissected by a corridor or natural feature such as a creek, the area of the woodlot shall be calculated exclusive of the area of the corridor or natural feature.”;

- (d) By-law No. 2000-118 (Ancaster) is further amended by repealing and replacing clause 3.1.2(i) with the following:
“(i) Heritage Trees on private lands located outside of Woodlands;”;
- (e) By-law No. 2000-118 (Ancaster) is further amended by repealing and replacing clause 5.1.1(ii) with the following:
“(ii) for the removal of Heritage Trees on private lands within 7.5 metres (25 feet) of the outer edge of an Occupied Building;”;
- (f) By-law No. 2000-118 (Ancaster) is further amended by repealing Sections 2.25, 5.1.2, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5 and 9.3.6 in their entirety; and
- (g) In all other respects By-law No. 2000-118 (Ancaster) is hereby confirmed without change.

28(5) By-law No. 4513-99 (Dundas) as may be amended, is hereby further amended by repealing and replacing subsection 3(e) with the following:

“(e) Trees overhanging onto private land from abutting private lands are specifically included under the Control of this By-law.”

29 Further to Section 28, any references to the aforementioned By-laws and schedules in other City policies, signage or By-laws, as amended, antedating the passing and enactment of this By-law, shall be deemed a reference to this By-law.

30 This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of June, 2006.



MAYOR



CLERK

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

Bill No. 243

CITY OF HAMILTON

BY-LAW NO. 06-243

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 1.0

TITLE, SCOPE AND INTENT OF SIGN BY-LAW

1.1 TITLE

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

1.2 SCOPE

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

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

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

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

1.3 INTENT

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

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

PART 2.0 DEFINITIONS

In this By-law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 3.0 INTERPRETATION AND ADMINISTRATION

3.1 Interpretation

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

3.2 Administration

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

3.3 Permits

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

3.4 Sign Permit Refusal, Expiry, or Renewal

- 3.4.1 A permit may be refused if the proposed Sign does not comply with this By-law, any other By-law or federal or provincial statute or regulation.
- 3.4.2 A Billboard, Awning Sign, Canopy Sign, Ground Sign, Marquee Sign, New Home Development Ground Sign, Parapet Sign, Projecting Sign, or Wall Sign permit issued by the City of Hamilton shall expire six months from the date of issuance unless the Sign is erected, located, or displayed for its intended purpose and a permit shall expire upon the removal of the Sign.
- 3.4.3 Where a Billboard, Awning Sign, Canopy Sign, Ground Sign, Marquee Sign, New Home Development Ground Sign, Parapet Sign, Projecting Sign or Wall Sign permit has been issued and before it has expired, an application may be made to extend the permit for a further six months, provided the Sign continues to conform to all By-law requirements and federal or provincial statutory or regulatory requirements existing at the time of renewal.
- 3.4.4 The City of Hamilton may revoke a permit under the following circumstances:
- (a) the City of Hamilton issued the permit in error;
 - (b) the Sign does not comply with this By-law or any other by-law, the Ontario Building Code, or any federal or provincial statute or regulation;
 - (c) the City of Hamilton issued the permit as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application;
 - (d) the erection, location, or display of the Sign has not commenced within six months after the issuance of the permit;
 - (e) the erection, location or display of the Sign, in the opinion of the Designated Official, has been substantially suspended or discontinued for a period of more than one calendar year;
 - (f) the permit holder requests in writing that the permit be revoked; or
 - (g) the business, product, activity or service to which the Sign relates ceases to operate or is no longer available.

3.5 Existing Signs

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

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

3.6 Refunds

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

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

3.6.2 There shall be no refund where:

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

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

PART 4.0 GENERAL PROHIBITIONS AND REGULATIONS

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

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

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

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

PART 5.0 REGULATIONS FOR PARTICULAR TYPES OF SIGNS

5.1 Prohibited Signs

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

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

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

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

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

5.2 Ground Signs

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

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

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

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

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

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

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

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

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

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

5.3 Wall Signs and Parapet Signs

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

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

5.4 Projecting Signs

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

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

5.5 Awning Signs, Canopy Signs and Marquee Signs

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

5.6 Mobile Signs

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

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

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

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

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

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

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

5.7 Banners

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

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

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

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

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

5.8 Sidewalk Signs

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

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

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

5.9 Inflatable Signs

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

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

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

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

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

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

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

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

5.10 New Home Development Ground Signs

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

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

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

5.11 New Home Development Portable Signs

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

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

5.12 Poster

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

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

5.13 Election Signs

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

5.14 Billboards

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

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

PART 6.0 VARIANCES

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

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

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

PART 7.0 PENALTIES AND ENFORCEMENT

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

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

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

**PART 8.0
CONFLICT**

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

**PART 9.0
VALIDITY**

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

**PART 10.0
REPEAL**

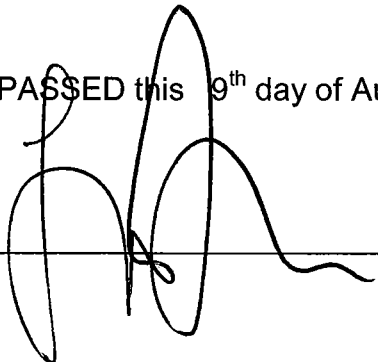
- 10.1 The By-laws listed on Schedule "D" are hereby repealed as of the day on which this By-law comes into force and effect.

**PART 11.0
EFFECTIVE DATE**

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

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

MAYOR



CLERK



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

Fees

1. PERMITS FOR SIGNS

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

2. SIGN VARIANCE APPLICATION

Fee	\$670.00
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SCHEDULE "A" TO BY-LAW NO. 06-243	
Fees	
Fee for a Sign Erected, Located or Displayed Without a Permit	\$970.00
3. ENFORCEMENT FEES	
Removal of an Unlawful Permanent Sign	\$200.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Permanent Sign	\$50.00 per Sign per day
Removal of an Unlawful Mobile Sign	\$200.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Mobile Sign	\$50.00 per Sign per day
Removal of an Unlawful Portable Sign	\$50.00 per Sign or the actual cost of removing the Sign, whichever is greater
Storage Charge for an Unlawful Portable Sign	\$25.00 per Sign per day
Storage Charge for an Unlawful Election Sign	\$25.00 per Sign per day
4. REFUND of FEES	
Notwithstanding the percentages below, no refund is to be made of an amount less than \$75.00	
75 percent if, in the opinion of the Designated Official, administrative functions only have been performed	
50 percent if, in the opinion of the Designated Official, administrative and plan examination functions only have been performed	
25 percent if the permit has been issued and no inspections have been performed subsequent to permit issuance and the Sign has not been erected, located or displayed	

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

Signs Not Requiring Permits

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

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

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

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

Signs Not Requiring Permits

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

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

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

Signs Not Requiring Permits

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

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

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

Sign Provisions For Signs Requiring Permits

A permit shall be required for the following Signs:

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

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

Sign Provisions For Signs Requiring Permits

A permit shall be required for the following Signs:

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

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

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

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

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

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

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

City of Hamilton
02-368
05-154

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

4579-00 amends 3094-79

The Corporation of the City of Stoney Creek

2531-88

2627-88

2792-89 amends 2627-88

2867-89 amends 267-88 and 2792-89

3042-89

3141-90

3263-90 amends 3042-89

3515-92 amends 3042-89

3721-93 amends 3042-89

3961-94 amends 3042-89

4267-95

4529-97 amends 3042-89

The Regional Municipality of Hamilton-Wentworth

R94-117

R97-030

R99-002 amends R94-117

Authority: Item 9, Public Works Committee
Report 14-008 (PW14027)
CM: April 9, 2014

Bill No. 088

CITY OF HAMILTON

BY-LAW NO. 14-088

To Amend

**By-law No. R77-109, the Hamilton Regional Roads By-law and
By-law No. 86-77, the Hamilton Streets By-law**

WHEREAS the Publications Boxes Annual Permit Policy replaces the provisions in By-law No. R77-109, the Hamilton Regional Roads By-law, and By-law No. 86-77, the Hamilton Streets By-law;

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

1. Subsection 11(13a) of Schedule A of By-law No. R77-109, the Hamilton Regional Roads By-law, is deleted;
2. Subsection 11b of By-law No. 86-77, the Hamilton Streets By-law, is deleted;
3. This By-Law comes into force on the date of its passing.

PASSED this 23rd day of April, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk