

Authority: Item 21, Economic
Development and Planning Committee
Report: 10-016 (PED10173)
CM: August 12, 2010

Bill No. 198

CITY OF HAMILTON

BY-LAW NO. 10-198

**To Amend By-law No. 07-170, a By-law to License and Regulate Various
Businesses**

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for the replacement of Schedule 26 of City of Hamilton By-law No. 07-170;

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

1. Schedule 26 of By-law No. 07-170 is deleted and replaced with the new Schedule 26, entitled "Mobile Sign Leasing or Renting", attached as Appendix A to this By-law.
2. All licences issued under Schedule 26 which are current and valid on the day this By-law comes into force shall be deemed to be:
 - (a) current and valid under the new Schedule 26; and
 - (b) subject to all of the applicable provisions of By-law No. 07-170 and the new Schedule 26, including but not limited to expiring and being renewable as though they had been issued under the new Schedule 26.

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

PASSED this 12th day of August, 2010



Fred Eisenberger
Mayor



Rose Caterini
City Clerk

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**Appendix A
SCHEDULE 26**

MOBILE SIGN LEASING OR RENTING

**PART 1.0
DEFINITIONS**

1.1 In this Schedule:

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

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

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

“Mobile Sign” means a sign that is temporary, is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels;

“Mobile Sign permit” means a sign permit issued for the display of a Mobile Sign under the Hamilton Sign By-law;

“person” includes an 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; and,

“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.

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PART 2.0

GENERAL PROVISIONS

- 2.1 No person shall carry on the business of leasing or renting Mobile Signs without holding a current valid licence issued under this By-law including this Schedule.
- 2.2 For the purpose of section 2.1, a person who carries on the business of leasing or renting Mobile Signs from a location outside the City shall be deemed to be carrying on business in the City if the person leases or rents Mobile Signs that are displayed in the City.
- 2.3 Every person who carries on the business of leasing or renting Mobile Signs shall ensure that all required permits are obtained prior to placement of a Mobile Sign and that its placement is in accordance with any permit issued.
- 2.4 In the event of a conflict between a provision of this Schedule and any other provision of this By-law, the provision in this Schedule prevails.

PART 3.0

LICENCE APPLICATIONS

- 3.1 In addition to any of the items required in the "LICENCE APPLICATIONS AND FEES" Part of the General Provisions of this By-law, the applicant shall, at the time of filing the application, deliver to the Issuer of Licences the following:
 - (a) if the applicant is a corporation, a certified copy of the incorporating document showing the names and addresses of all Directors, Officers and Shareholders;
 - (b) if the applicant is a registered partnership, a certified copy of the registered Declaration of Partnership, showing the names and addresses of all partners; and

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- (c) a solemn declaration that all Mobile Signs to be leased or rented shall have the name and phone number of the licensee affixed to the Mobile Sign at a clearly visible location.

PART 4.0

GROUND FOR REFUSAL TO ISSUE OR RENEW A LICENCE

- 4.1 In addition to the grounds listed in section 12 of the General Provisions of this By-law, the Issuer of Licences shall refuse to issue or renew a licence where, having regard to the applicant's financial position, the applicant cannot be reasonably expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

PART 5.0

PROHIBITIONS

- 5.1 No person shall:

- (a) publish or cause to be published any representation that the person is licensed under this Schedule if the person is not so licensed;
- (b) display or permit the display of a Mobile Sign that does not have the name and phone number of the licensee under this Schedule, if a licence is required, affixed to the Mobile Sign at a clearly visible location;
- (c) display or permit the display of a Mobile Sign other than in accordance with all of the applicable provisions of the City's by-laws respecting signs before February 1, 2007 and with the Hamilton Sign By-law on and after February 1, 2007; or
- (d) fail to ensure that the message board on a Mobile Sign is secured with a locking mechanism to prevent any person, other than the licensee under this Schedule or the Mobile Sign permit holder under the

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Hamilton Sign By-law, from having access to the message board.

PART 6.0

CHANGES IN INFORMATION

- 6.1 Every licensee shall notify the Issuer of Licences, in writing, within 6 days after the event, of any change to the information contained in their application.
- 6.2 Where a change has occurred in the name or business name of a licensee, the licensee shall attend within 6 days of the date of the change at the office of the Issuer of Licences to have the licence and licence records amended accordingly.