

Authority: Item 5, Planning Committee
Report 11-016 (PED10063(d))
CM: September 28, 2011

Bill No. 230

CITY OF HAMILTON

BY-LAW NO. 11-230

To Amend:

**By-law No. 10-142, a By-law to Regulate Fences;
By-law No. 07-170, a By-law to License and Regulate Various Businesses;
By-law No. 10-118, a By-law to regulate Exterior Property Maintenance
By-law No. 10-197, a By-law to Regulate Signs; and
By-law No. 10-260, a By-law to Regulate Vacant Buildings**

WHEREAS Council of the City of Hamilton enacted a by-law to regulate fences being City of Hamilton By-law No. 10-142, a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170, a by-law to regulate exterior property maintenance being City of Hamilton by-law No. 10-118, a by-law to regulate signs, being City of Hamilton By-law No. 10-197; and a by-law to regulate vacant building, being City of Hamilton By-law No. 10-260;

AND WHEREAS this By-law provides for various housekeeping and technical amendments to City of Hamilton By-laws Nos. 10-142, 07-170, 10-118, 10-197 and 10-260;

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

By-law No. 10-142, Fence By-law

1. Subsection 5(1) of By-law No. 10-142 is deleted and replaced by the following new subsection 5(1):

5(1) *Despite any provision of this By-law, in the event of conflict between this By-law and:*

- (a) *an agreement entered into with the City under sections 41 or 51 of the Planning Act or any plan approved by the City, the agreement entered into with the City under sections 41 or 51 of the Planning Act or any plan approved by the City prevails over this By-law to the extent of the conflict;***
- (b) *a City zoning by-law, the City zoning by-law prevails over this By-law to the extent of the conflict; or***
- (c) *The Swimming Pool Enclosure By-law, The Swimming Pool Enclosure By-law prevails over this By-law to the extent of the conflict,***

but in all other respects, this By-law applies.

2. Subsection 6(15) of By-law No. 10-142 is amended by deleting the words “is, upon conviction, guilty of an offence and” and replacing them with “is guilty of an offence and upon conviction”.

By-law No. 07-170, Licensing By-law

3. Paragraph 12(1)(b) of the General Provisions of By-law No. 07-170 is deleted and replaced with the following new paragraph 12(1)(b):

(b) *refuse to issue the licence where:*

- (i) *the requirements for the applicant or applicable licence under this By-law, including those imposed by any Schedule, or conditions to be met, are not met;***
- (ii) *the application contains false or misleading information;***
- (iii) *any fees under the User Fees and Charges By-law owed by***

the applicant with respect to the carrying of the business have not been paid;

(iv) any fines for a conviction under the Provincial Offences Act owed by the applicant have not been paid;

(v) any prohibition or other court orders made upon a conviction of the applicant have not been complied with;

4. Subsections 27(1) and (2) of the General Provisions of By-law No. 07-170 are amended by deleting the words “is upon conviction guilty of an offence and” and replacing them with “is guilty of an offence and upon conviction”.
5. Sections 71 to 80, both inclusive, of Schedule 25 of By-law No. 07-170 are deleted.

By-law No. 10-118, Yard Maintenance By-law

6. Subsection 10(15) of By-law No. 10-118 is amended by deleting the words by deleting the words “is, upon conviction, guilty of an offence and” and replacing them with “is guilty of an offence and upon conviction”.

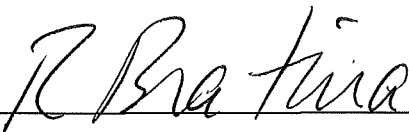
By-law No. 10-197, Sign By-law

7. Subclause 5.11.2(e)(ii)2 of By-law No. 10-197 is amended by deleting “1 m” and replacing it with “1.5 m”.
8. Section 7.1 of By-law No. 10-197 is amended by adding the words “or fails to comply with an order made under this By-law” after “any provision of this By-law”.

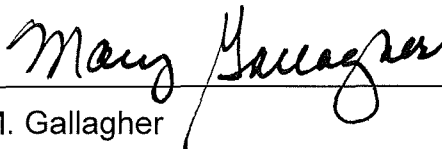
By-law No. 10-260, Vacant Building By-law

9. Section 9 of By-law No. 10-260 is amended by adding the following new subsection 9(a) and relettering the subsequent subsections accordingly:
- (a) ***"ensure that the vacant building is registered in accordance with this By-law;"***
10. Section 26 of By-law No. 10-260 is amended by deleting the words "is, upon conviction, guilty of an offence and" and replacing them with "or fails to comply with an order made under this By-law is guilty of an offence and upon conviction".
11. This By-law comes into force on the day it is passed.

PASSED this 28th day of September, 2011.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk