

THE CORPORATION OF THE TOWNSHIP OF HAMILTON

BY-LAW NUMBER 2010 -17

Being a by-law to regulate signs and other advertising devices in the Corporation of the Township of Hamilton

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, provides in Section 99, that Councils of local municipalities may pass by-laws respecting advertising devices and signs within the Township.

NOW, THEREFORE, the Council of the Corporation of the Township of Hamilton **ENACTS AS FOLLOWS:**

PART 1 – TITLE, DEFINITIONS, SCOPE AND APPLICATION

1.1 TITLE OF BY-LAW

This By-law may be cited as the "Sign By-law for the Corporation of the Township of Hamilton."

1.2 DEFINITIONS

AGRICULTURE/AGRICULTURAL USE - shall mean the use of land, buildings or structures for the purposes of the growing of field crops, flower gardening, market gardening, berry crops, tree crops, nurseries, aviaries, apiaries or farms for the grazing, breeding, raising, boarding of livestock or any other similar uses carried on in the field of general agriculture, including the sale of such produce, crops or livestock on the same lot.

ALTER – shall mean to change any one or more of the external dimensions of a structure, or to change the type of construction of such structure, or to change the location of such structure. This shall not include repair, maintenance or change in the message.

Note: Any change in the message shall require the approval of the C.B.O.

AWNING – shall mean a space frame system, moveable or fixed, covered with fabric or like material attached and projected from a building or structure but not forming an integral part thereof.

BOULEVARD – shall mean the public property lying between the traveled portion of the street and the street line.

BUILDING CODE – shall mean the Ontario Building Code Act, as amended from time to time, and includes any regulations thereunder.

BY-LAW ENFORCEMENT OFFICER – shall mean the By-law Enforcement Officer appointed by Council of the Corporation of the Township of Hamilton.

CHIEF BUILDING OFFICIAL - shall mean the officer or employee of the Township of Hamilton appointed by the Corporation with the duty of administering the provisions of the Ontario Building Code, Building By-law and Zoning By-law.

COUNCIL – shall mean the Council of the Corporation of the Township of Hamilton.

ERECT – when used in this By-law includes the placing of, arranging for the placing of, the renting of, or the leasing of a portion of a lot or highway for a sign.

EXISTING - unless otherwise described, shall mean existing as of the date of the passing of this By-law.

FINISHED GRADE – shall mean the approved elevation of ground surface of lands upon which fill has been placed or grade of land has been altered in accordance with this by-law.

HIGHWAY – shall have the same meaning as that word as defined in the Municipal Act.

LOT - shall mean a parcel of land, the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed or which is a whole lot as shown on a Registered Plan of Subdivision subject to the provisions of the Planning Act.

PERSON – shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and any heirs, executors, successors, assigns or other legal representatives of a person to whom a contract can apply according to law.

SIGHT TRIANGLE - shall mean an area free of buildings or structures, which area is determined by measuring from the point of intersection of street lines on a corner lot or where a corner is rounded from the point at which the extended street lines meet, the distance as required in the applicable Comprehensive Zoning By-law along each such street line and joining such points with a straight line thereby creating a triangular-shaped parcel of land. This triangular-shaped parcel of land located between the intersecting street lines and the straight line joining the points located the required distance along the street lines is the sight triangle.

SIGN – shall mean and include any structure, device, or thing (and all parts thereof) which identifies, describes, promotes or advertises any building, person, place, product, business, service, enterprise, organization, event or thing in such a way as to be visible from a highway or lot.

SIGN AREA – means the area of the display surface upon, against, or through which the message or messages on the sign are displayed or illuminated and the area of a sign made up of individual letters, symbols or numbers and not the combined area of the individual letters, symbols or numbers. For the purpose of this By-law, any double-sided sign shall be deemed to have only one face, provided both faces are identical, contiguous, and parallel or diverging at an angle of not more than 15 degrees.

SIGN, BANNER – shall mean a *sign* composed of lightweight material so as to allow movement which is caused by atmospheric conditions.

SIGN, BILLBOARD – shall mean a *sign structure* to which advertising copy is fastened in such a manner so as to permit its periodic replacement and which displays goods, products, services or facilities that are not available at the location of the *sign* and/or which directs or invites a *person* to a location different from that on which the *sign* is located.

SIGN, CANOPY – shall mean a *sign erected* as an integral part of an attached canopy or a freestanding canopy.

SIGN, CONSTRUCTION – shall mean a *sign* incidental to a construction project or a development located within the boundaries of the development or construction site.

SIGN, CROP – shall mean a *sign* that identifies field crops or, a sign advertising the retail sale of agricultural products produced on the farm where such outlet is located.

SIGN, DEVELOPMENT IDENTIFICATION – shall mean a *ground sign* which identifies or draws attention to a group of businesses or *persons* located on the same *lot* as the *sign*. Such *sign* may or may not contain the names of individual businesses or *persons* on the *lot*.

SIGN, DIRECTIONAL – shall mean a *sign* erected for the public safety or one which provides directional information for the control of vehicular traffic such as an entrance or exit *sign* or a loading area, and bearing no commercial advertising. A directional *sign* may take the form of a *Ground sign* or *Wall Sign*.

SIGN, ELECTION – shall mean a *sign* erected in connection with a Federal, Provincial, Municipal or School Board election by or on behalf of a candidate.

SIGN, GROUND – shall mean a free standing *sign* in a fixed location, which *sign* is wholly supported by uprights or braces attached to the ground, and shall include a pole or pylon *sign*.

SIGN, HOME IDENTIFICATION – means a *sign* which identifies by letters and/or numbers, the name of the occupants and/or highway address of the building on which lot the *sign* is located.

SIGN, HOME OCCUPATION / HOME INDUSTRY – shall mean a *sign* for the identification of a home-based business, permitted in accordance with the current Municipal Zoning By-law.

SIGN, ILLUMINATED – shall mean any *sign* illuminated or lighted by any artificial means whatsoever, including direct, indirect, internal or external sources of illumination.

SIGN, HERITAGE - shall mean a *sign* or tablet ground mounted or permanently attached or architecturally integrated to a building of heritage significance.

SIGN, ROAD SIDE MEMORIAL - shall mean a *sign*, placed within a municipal road allowance, erected in memory of a person(s) who have perished as a result of a vehicle accident.

SIGN, OFF-LOT – shall mean any *sign* which identifies or advertises a business, person, activity, good, product or service related to agricultural operations located within the boundaries of the township, which is not normally related to or available at the lot where the *sign* is located.

SIGN, ON-LOT – shall mean any *sign* identifying or advertising a business, person, activity, good, product or service available at the lot where the *sign* is located.

SIGN, PORTABLE/MOBILE – shall mean and include any *sign* which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or a fixed foundation for its structural support. This shall include inflatable signs tethered to the ground.

SIGN, PUBLIC AUTHORITY – shall mean any *sign* erected for or at the direction of any Township or government authority, agency, board or committee for the purpose of providing information to the public concerning any proceedings by such agency, authority, board or committee.

SIGN, REAL ESTATE – shall mean a *sign* on a lot advertising the sale, rent or lease of the lot but shall not include *signs* which advertise new subdivisions or developments.

SIGN, ROOF – shall mean any *sign* the face of which is above the level of the eaves or parapet of a building, and includes painted *signs* on roofing material.

SIGN, SANDWICH BOARD – shall mean a *sign*, which is *erected* or placed on, but not permanently anchored in the ground, with copy on either or both sides, and can be designed as a self-supporting 'A' frame type, or designed in a frame with legs that are inserted into the ground.

SIGN, SIGNATURE ENTRANCE – shall mean a permanent *ground sign* that is to promote and advertise the name of the subdivision, neighbourhood or community.

SIGN, SPECIAL EVENTS/TEMPORARY – shall mean any *sign* used to advertise an activity or event of a charitable or non-profit organization that is transitory or impermanent in nature.

SIGN STRUCTURE – shall mean the supports and framework for a *sign*.

SIGN, WALL/FAÇADE – shall mean a *sign* attached in close proximity and parallel to any exterior building wall.

SIGN, WINDOW – shall mean any *sign* located on the interior of a building, which is intended to be seen from off the lot on which the sign is located.

STREET LINE - shall mean the limit of the street allowance and is the dividing line between a lot and a street.

TOWNSHIP – shall mean the Corporation of the Township of Hamilton

ZONING BY-LAW – means any by-law regulating the use of lands and the character, location and use of buildings and structures in the Township, and has been passed pursuant to the Planning Act.

1.3 SCOPE OF BY-LAW

The provisions of this By-law shall apply to all lands which are within the geographic boundaries of the Corporation of the Township of Hamilton. No *signs* within the Township shall be *erected*, maintained or structurally *altered* except in conformity with the provisions of this By-law or applicable regulation, act or legislation.

1.4 GENERAL

a) No *sign* shall be located, erected, posted, placed or otherwise displayed on any property owned by the Township, including but not limited to road allowances and any other lands, buildings and facilities, except those signs having Council approval.

- b) No *signs* located within the municipal limits of the Township shall be located in such manner as to impede the view of any highway intersection or railway grade crossing or any ingress and/or egress from private or public property or where it may be confused with or impair the view of any authorized traffic sign, signal or device.
- c) No *Banner signs* shall be displayed across any street without the approval of Council, and upon approval, shall be installed by employees of the *Corporation* at a fee established by Council.
- d) Where the provisions of one portion of the By-law conflicts with any other provision of this By-law, the most restrictive requirement shall be used to establish the minimum requirement.

1.5 PERMIT REQUIRED

No *person* shall *erect, display, alter, repair* or cause to be *erected, displayed, altered* or repaired, a *sign* in the Township unless a *sign* permit has been issued by the *Chief Building Official* or designate, unless the sign permit requirement has been specifically exempted by this by-law.

1.6 PERMIT EXEMPTION

- a) *Home Identification signs* bearing only property numbers, street addresses, mailbox numbers, estate names or names of occupants of the premises and having a maximum size of 0.2 square metres.
- b) *Real Estate Sign (point of sale)*: The area of any one *sign* shall not exceed 0.6 square metres. Such signs shall be limited to a maximum of two signs per lot; shall be located on the private property; shall not obstruct or interfere with the vision of vehicular or pedestrian traffic.
- c) *Signs advertising yard sales, garage sales, private auctions and/or open houses*: Such *signs* shall measure not more than 0.4 square metres in area (each side); no more than two *signs* per lot shall be permitted for a period to not exceed five (5) consecutive days; shall be located on the private property of said event; and do not obstruct or interfere with the vision of vehicular or pedestrian traffic.
- d) *Directional Signs*: up to two directional *signs* per driveway access provided no *sign* is greater than 0.4 square metres in *sign area*, and provided that the top of any directional *sign* is no higher than 1.5 metres above the finished grade at the *sign* location.
- e) *Public Authority Signs*: an official *sign* required or authorized by a recognized public authority.
- f) *Heritage or commemorative signs* or tablets, ground mounted or permanently attached or architecturally integrated to a building.
- g) *Roadside Memorial signs* , within municipal rights of way.
- h) *Signs* erected by a government or municipal agency to assist Commerce and the Tourist Trade, which have been approved by Council
- i) Flags, emblems or insignia used only for the identification of a nation, province, country, Township, school, political or religious group.

- j) Displays consisting entirely of vegetative material.
- k) Construction Site Sign with an area not greater than 1 square metre and is removed from the site within 30 days of the completion of the construction.
- l) Election Signs for Federal, Provincial, Municipal or School Board elections shall be in accordance with the Election Acts.
- m) Special Event/Temporary Signs shall mean a sign advertising special events of charitable or non-profit organizations, provided that it is not greater than 3 square metres in size. Such signs are to be erected a maximum of twenty eight (28) days prior to the day of the event and the *sign* or *signs* shall be removed within forty-eight (48) hours after completion of the event. Council approval shall be required prior to erection of the sign.
- n) Crop signs. Signs that identify crops or signs that advertise the site of fresh farm products, provided that the maximum size of the *sign* is not more than 0.5 square metres.
- o) Sandwich Board Signs provided they are located on private property and shall not be more than 0.6 metres wide and 1.2 metres high on each side.
- p) Signs placed within the Municipality advertising Township fundraising events are subject to Council approval.

1.7 PROHIBITED SIGNS

- a) Vehicles, trailers or other equipment permanently parked solely for the purpose of advertising the direction to or a place of business or an event;
- b) *Signs* that encroach on public property unless expressly authorized by the responsible public authority;
- c) *Signs* that endanger public safety by reason of their location or inadequate or improper construction or maintenance;
- d) *Signs* which obstruct or impede any flue, air intake, fire escape, fire exit, walkway, passageway, door, skylight, exhaust or impede free access by firefighters to any part of a premises and or building;
- e) *Signs* on public trees, public fence posts and on public utility poles.
- f) *Signs* which by their pictures, words or drawings are indecent or may tend to corrupt or demoralize.
- g) *Signs* which make use of words such as "Stop", "Look", "One Way", "Danger", "Yield", or any other similar words, phrases, symbols, lights, or characters in such a manner as to tend to interfere with, mislead, or confuse traffic and which are not erected by a Public Authority.
- h) *Signs* located so as to obstruct or impede any required fire escape, fire exit, walkway, passageway, door, window, skylight, flue or air intake or exhaust or as to prevent or impede free access of firefighters to any part of the building.
- i) *Signs* on or over public property or public right of way, unless erected and approved in writing by a government agency having jurisdiction.

- j) *Signs* painted on, attached to, or supported by a tree, stone, or other natural object or wooden utility pole.
- k) *Signs* painted on the exterior walls of any building.
- l) *Roof Signs* and *signs* erected in part or entirely above the surface of the roof of a building or structure.
- m) *Ground Signs* in excess of 2.40 metres in height from finished grade within 15 metres of a traffic light.
- n) *Signs* attached to a freestanding canopy except canopy signs and soffit signs.
- o) Any obsolete *sign* which no longer advertises a business conducted, or a product sold at the *sign* location. Such obsolete *signs* shall be removed within 30 days of the closing of the business.
- p) *Signs* which obstruct a required parking space or utilize such parking space for purposes of locating a *sign*.

PART 2 - REGULATIONS

2.1 EXISTING NON-CONFORMING SIGNS

- a) This by-law does not apply to an advertising device that was lawfully erected or displayed on the day the by-law comes into force, provided that such advertising device is not altered or relocated. For the purpose of this Section, maintenance and repair of the advertising device or a change in the message or contents displayed shall be deemed not in itself to constitute a substantial alteration.
- b) In the event that an advertising device has been erected but there is no message displayed on it for a period of one year, the provisions of this by-law shall apply.
- c) The applicant must provide proof of legal non-conformity.

2.2 SIGN MAINTENANCE

All *signs* are to be maintained in a proper state of repair so that such *sign* does not become unsafe, structurally unsound, unsightly or dangerous.

2.3 HEIGHT SPECIFICATIONS

- a) No part of any *sign erected* above a pedestrian walkway shall be less than 2.4 metres above finished grade;
- b) The maximum height of a wall *sign* shall not exceed the height of the adjoining wall; and
- c) No part of any *ground sign* shall exceed in height a distance of 7.5 metres above finished grade.

2.4 COMPLIANCE WITH SITE DEVELOPMENT AGREEMENTS

Where a Site Plan or Subdivision Agreement approved by the *Corporation* provides standards for *signs* and the *signs* for the development comply therewith, such *signs* shall be deemed to comply with this By-law.

2.5 SIGN ILLUMINATION

- a) No *sign erected* or displayed may be illuminated by remote fixtures not permanently fixed to the *sign* or *sign* structure.
- b) No illumination of a *sign* shall spill directly beyond the face of the *sign* or be a nuisance to neighbours or a hazard to public safety.

2.6 LIMIT ON NUMBER OF SIGNS

Except as otherwise provided herein, the maximum number of *signs* that may be *erected* shall be:

- a) One (1) *wall/facade sign* and one (1) *window sign* per business frontage; and
- b) One (1) only per business premises of another type of exterior sign, i.e., *canopy or ground*.

2.7 GROUND SIGNS

The following regulations shall apply to all ground signs:

- a) *Ground signs* shall be set back a minimum of 1.0 m from all street lot lines.
- b) No ground sign shall exceed 5.0 m in any dimensions of the sign face.
- c) No more than one (1) *sign* shall be mounted to the supporting structure of any *ground sign*. Notwithstanding the foregoing, additions may be allowed to existing *ground signs* provided that additions are of the same design, material and shape as the existing sign.
- d) No *ground sign* shall exceed a maximum height of 7.5 metres from the finished grade level at the base of the supporting structure of the said *sign*.
- e) *Ground signs* shall be setback a minimum of 1.5 m from any common lot boundary with an adjacent lot.
- f) A *ground sign* including any part of its structure shall not be located closer than 1.0 m to any driveway.
- g) No *ground signs* shall be erected where the distance between a structure and the street line is less than 4 m.

2.8 WALL/FAÇADE SIGNS

- a) The maximum area of *wall/facade signs* shall be the lesser of fifteen (15) percent of the building façade to which it is attached or 9 square metres or as approved by Council.

- b) No *wall sign* shall extend greater than .6 metres above the eave of the roof surface.
- c) No *wall sign* or any part thereof, shall project more than 0.3 metres from the wall upon which it is mounted.
- d) No *wall sign* shall extend beyond the extremities of the wall to which it is attached.

2.9 PORTABLE/MOBILE SIGNS

- a) *Portable/Mobile signs* may only be erected for a specific period not to exceed thirty (30) days, at which time it shall be removed and not be replaced on the lot for ninety (90) days, from the date of its removal.
- b) *Portable/Mobile signs* may only be erected as *On-Lot signs*, and shall identify or advertise a business, *person*, activity, good, product or service available at the *lot* where the *sign* is located. Except as otherwise provided herein, *Portable/Mobile signs* may not be erected as *Off-Lot signs*
- c) No *portable/mobile sign* or any part of the *sign structure* shall be located less than 1 metre from any property line.
- d) No side of any *portable/mobile sign* shall have a gross area greater than 3 square metres;
- e) All *portable/mobile signs* shall be staked firmly to the ground by means of iron stakes and all wheels shall be off the ground;
- f) No more than one (1) *portable/mobile sign* shall be *erected* or *displayed* on a lot at any time;
- g) Each *portable/mobile sign* shall be on privately owned property and not on municipal property and must be maintained to the satisfaction of the Township.
- h) *Portable/Mobile signs* shall not be converted to permanent *Ground signs*.

2.10 OFF-LOT SIGNS

No *off-lot sign* shall be *erected* in the Township except in lots zoned for agricultural use. An *off-lot sign* shall only identify or advertise agricultural uses located within the boundaries of the Township of Hamilton. The following provisions shall apply:

- a) A maximum of one (1) *off-lot signs* may be erected or displayed on any one lot.
- b) A maximum of one (1) *off-lot signs* for any one business may be erected or displayed within the Township.
- c) All *off-lot signs* shall be located in line with the established building lines, or where no such line exists, shall have a minimum setback of three 3 metres from all property lines.
- d) No *off-lot sign* shall be located within a radius of 30 metres from another *off-lot sign*.

- e) No *off-lot sign* shall have an area greater than 9 square metres.
- f) *Off-lot sign* shall not be located closer than 15 metres from residentially-zoned lot.

2.11 BILLBOARD SIGNS

- a) The *billboard sign* shall not be located closer than 10 metres from any side yard lot line; 30 metres to a park, hospital, school or 100 metres from any residentially-zoned *lot*.
- b) *Billboard signs* shall be a minimum of 500 metres from another *billboard sign* and shall not exceed a maximum of 28 square metres in area.
- c) Any *billboard sign* shall be a minimum of 100 metres from any municipal road.

2.12 CANOPY SIGNS

- a) A *canopy sign* shall be designed as an integral part of the *canopy fascia*;
- b) No portion of any *sign* shall be less than 2.4 metres above the finished floor level immediately below such *sign*;
- c) *Canopy signs* shall only be located on the story having direct access to a street.

2.13 WINDOW SIGNS

- a) The maximum sign area of any window sign shall not exceed 25% of the area of the window in which the sign is located.

2.14 RESIDENTIAL SIGNS

- a) A maximum of one *sign* not exceeding 1 square metres in area, advertising boarding, lodging on the *lot* on which the *sign* is located, provided such accommodation is not prohibited by the current Township of Hamilton Zoning By-laws; and
- b) A maximum of one *sign*, not exceeding one (1) square metre in area, indicating the name of the apartment use on the property on which the *sign* is located, provided such use is permitted by the current Zoning By-law(s) for the Township of Hamilton.

2.15 HOME OCCUPATION/HOME INDUSTRY SIGNS

- a) A *home occupation/home industry sign* shall not exceed 1 square metre in sign area; and
- b) A maximum of one (1) *sign* for a *home occupation/home industry* shall be permitted and shall be located on the property in which the home occupation/home industry is permitted.

2.16 ROADSIDE MEMORIAL SIGNS

To help memorialize loved ones killed in vehicular crashes, and remind motorists to drive safely, the Township of Hamilton has established guidelines to erect and maintain Roadside Memorial Signs. The Roadside Memorial Sign is an official sign that is provided by the Municipality and placed by the Public Works Department, and is installed as close as possible to the site where a fatal vehicle crash occurred. The sign consists of white lettering on a blue background, and contains 1 of 3 messages chosen by the applicant followed by the name of the deceased:

This sign is available for all victims of highway fatalities.

"Please Drive Safely" in memory of _____

This sign is available for highway fatalities where victim was not wearing a seat belt.

"Please Buckle Up" in memory of _____

This sign is available for victims of a vehicular crash involving alcohol.

"Don't Drink and Drive" in memory of _____

- a) A roadside memorial sign may be permitted within a municipal right of way, in consultation with the Director of Public Works, the adjacent property owner and subject to approval of Council.
- b) Roadside Memorial Signs may be requested within 3 years following the date of a fatal vehicle crash by a member of the immediate family of the victim. All requests to erect a roadside memorial sign shall be in writing. If the request is approved by Council, the applicant will be informed in writing.
- c) A roadside memorial sign shall be supplied, erected and maintained by the Public Works Department.

Example



PART 3 – ADMINISTRATION

3.1 CHIEF BUILDING OFFICIAL

The *Chief Building Official* or designate is responsible for the administration and enforcement of this By-law.

3.2 PERMITS

The *Chief Building Official* or designate shall issue a *sign* permit except where:

- a) The proposed *sign* or *sign structure* will not comply with this By-law, the *Ontario Building Code*, or any other applicable law; or
- b) The application is incomplete or any fees due are unpaid.

3.3 PERMIT APPLICATIONS

Applications for a *sign* permit shall be made to the *Chief Building Official* upon a form to be provided by the *Chief Building Official* which shall require the following information to be set out on or accompany such application:

- a) The name and address of the owner of the *sign*;
- b) The name and address of installing contractor, if different than owner;
- c) The name and address of the owner of the premises upon which the *sign* is located or to be located;
- d) Drawings, plans, and specifications showing:
 - i) The location or proposed location of the *sign* on the premises including its relation to any *highway* and *lot* line;
 - ii) The location or proposed location of all other *signs* on the premises for which a permit is required;
 - iii) The dimensions, construction supports, sizes, electrical attachments and character of structural members to which the attachment is made, together with such other engineering data certified by a duly licensed engineer or qualified professional, as the *Chief Building Official* may require;
 - iv) Message to be displayed.
- e) All permits as may be required by any other applicable government authorities such as Hydro One, Electrical Services Authority, the Ministry of Transportation and Lower Trent Conservation;
- f) The required fee;
- g) Such further and other information as the *Chief Building Official* may require in order to ensure that such *sign* will comply with the requirements of this By-law, the *Ontario Building Code* and any other applicable laws.
- h) The consent of the *person* in possession of the *lot* upon which the *sign* is located or to be located to permit entry upon the said *lot* by the *Chief Building Official* or designate for the purpose of inspecting the *sign* in

accordance with Section 15 (6) of the *Ontario Building Code Act*, but nothing herein shall be construed to in any way limit or restrict the right of the *Chief Building Official* to enter upon the premises in accordance with the provisions of the *Building Code Act*, the *Provincial Offences Act*, or any other statutory authority.

3.4 VARIANCE

- a) Where a person can not comply with the provisions of this by-law, application may be made to Council for a variance to the provisions of the by-law.
- b) Application to Council for a variance shall clearly set out why the provisions of the by-law can not be met and shall be accompanied by the appropriate fee for a variance, as set out in Section 3.5. The fee is non-refundable.
- c) Council may, upon receiving the application for a variance from the provisions of the by-law, authorize such minor variances, provided, in the opinion of the Council, the general intent and purpose of the by-law are maintained.

3.5 PERMIT FEE

Each application for a *sign* permit shall be accompanied by a non-refundable fee payable to the Township in the amount of:

- | | | |
|----|-------------------------------|----------------------------------|
| a) | Permanent <i>Sign</i> : | \$50.00 basic administration |
| b) | Portable/Mobile <i>Sign</i> : | \$30.00 (30 day period, maximum) |
| c) | Variance | \$100.00 |

3.6 CONSTRUCTION

All *signs* shall be constructed and inspected in accordance with the *Building Code Act*, S.O. 1992, c.23, as amended, by S.O. 1997, c. 30, Schedule B2.

3.7 SIGN REMOVAL OR ORDER TO REMOVE SIGN

- a) When a *sign* is erected or displayed in contravention of the provisions of this by-law, such sign may be removed immediately without notice, if located on, over, partly on, or partly over, property owned by the *Township*.
- b) When a *sign* is erected or displayed in contravention of the provisions of this by-law, and such sign is located on private property, the *Chief Building Official* or designate shall give a written Order to the owner or *person* in possession of the *lot* upon which a *sign* is located, to remove or repair such *sign* where it is not in compliance with this by-law.
- c) Upon receipt of the written Order, the owner of the *sign* or the *person* in possession of the *lot* upon which a *sign* is located shall comply with the Order forthwith, or within such time as specified in the Order.

- d) Where the *Chief Building Official* determines that there is a potential risk of injury to persons or damage to property from a *sign*, an Order may be given to the owner to remove or repair the sign.

3.8 ENFORCEMENT AND PENALTY

Subject to Part 3.6 of this By-law, if there has been no compliance with an Order, the *Chief Building Official* or designate may pull down or remove said *sign* at the expense of the owner of the *sign*. The costs associated with pulling down and/or removal of the *sign* will be collected from the owner of the property on which the sign was located in a like manner as property taxes, or may be recovered by legal action.

3.9 VALIDITY

If any section, clause or provision of this By-law is for any reason declared by Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.

3.10 LIABILITY

The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any *person* who erects, displays, causes, permits or allows to be *erected* or displayed, any *sign*, for personal injury including injury resulting in death, or property damage resulting from such *sign* or from the employees, contractors or sub-contractors, in the construction, *erection*, maintenance, display alteration, repair or removal of any *sign erected* in accordance with a permit which is issued hereunder. Likewise, the provisions of this By-law shall not be construed as imposing on the Township, its officers, employees, servants and agents, any responsibility or liability whatsoever by reason of the approval of or issuance of a permit for any *sign* or removal of any *sign*.

3.11 INDEMNIFICATION

The applicant for a permit for a *sign*, the owner and occupant of the lands and premises on which any *sign* is *erected*, shall be jointly and severally responsible to indemnify the Township, its officers, employees, servants and agents, from all loss, damages, costs, expenses, claims, demands, actions, suits or other proceedings, of every nature and kind arising from and in consequence of the construction, *erection*, maintenance, display, alteration, repair or removal of such *sign*.

3.12 OFFENCES/PENALTIES

Every *person* who:

- a) Knowingly furnishes false information in any application for a permit or any documents or plans accompanying such application for a permit under this By-law;

- b) Fails to comply with any notice, order, director or other requirement given in accordance with this By-law;
- c) Contravenes any provision of this By-law; and
- d) Any person, firm or corporation who causes or permits or allows any contravention of any of the provisions of this By-law is guilty of an offence and is liable upon conviction of such penalty as is authorized by the provisions of the Provincial Offences Act R.S.O. 1990, c.P.33, as amended from time to time.

3.13 REPEAL

The following By-laws within the Corporation of the Township of Hamilton are hereby repealed:

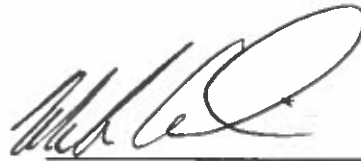
- a) The Corporation of the Township of Hamilton By-law Number **94-65**.

3.14 EFFECTIVE DATE

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

This By-law read a first and second time this 6th day of April, 2010.

This By-law read a third time and finally passed this 6th day of April, 2010.



MAYOR



CLERK