



## The Corporation of the Township of Hamilton

### By-law Number 2020–62

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 Council of local municipalities may pass By-laws respecting signs and advertising devices within the Township;

**And whereas** this By-law shall be cited as the ‘Sign By-law for The Corporation of the Township of Hamilton’;

**Now therefore be it resolved** that the Council of The Corporation of the Township of Hamilton enacts as follows:

#### Part 1: Scope

The provisions of this By-law shall apply to all lands 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.

#### Part 2: Definitions

- 2.01 “Agriculture” or “Agricultural use” means the use of land, buildings or structures for the purposes of 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.
- 2.02 “Alter” means 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 Chief Building Official.**
- 2.03 “Awning” means 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.
- 2.04 “Boulevard” means the public property lying between the traveled portion of the street and the street line and boulevard has a corresponding meaning under ‘street’.
- 2.05 “Building Code” means the Building Code Act, 1992, S.O. 1992, c.23 as amended, and includes regulations made thereunder.
- 2.06 “By-law Enforcement Officer” means the officer or employee of the Township of Hamilton appointed by the Corporation with the duty of administering and enforcing the provisions of all municipal By-laws.
- 2.07 “Chief Building Official” means 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.
- 2.08 “Council” means the Council of The Corporation of the Township of Hamilton.

- 2.09 “Erect” when used in this By-law means the placing of, arranging for the placing of, the renting of or the leasing of the portion of a property or highway for a sign.
- 2.10 “Existing” unless otherwise described, means existing as of the date of the passing of this By-law.
- 2.11 “Finished grade” means 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.
- 2.12 “Highway” shall have the same meaning as defined in the Municipal Act.
- 2.13 “Lot” means 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. “Property” has the same meaning in the context of this By-law.
- 2.14 “Municipality” means the Corporation of the Township of Hamilton and includes all areas within its geographic limits.
- 2.15 “Person” means 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.
- 2.16 “Road” means any County or Township road, urban or rural within the Township and shall include streets, highways, boulevards, avenues, courts, lanes, crescents and drives.
- 2.17 “Sight triangle” means 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 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. Refer to Appendix ‘A’ for illustrations of sight triangles.
- 2.18 “Sign” means and includes any structure, device or thing (and all parts thereof) which identifies, describes, promotes or advertises a building, person, place, product, business, service, enterprise, organization, event or thing in such a way as to be visible from a highway or lot. Refer to Part 3 for individual sign definitions.
- 2.19 “Sign area” means the area of a 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 purposes of this By-law, any double-sized 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 fifteen (15) degrees.
- 2.20 “Street line” means the limit of the street allowance and is the dividing line between a lot and a street.
- 2.21 “Structure” means the supports and framework for a sign.
- 2.22 “Township” means the Corporation of the Township of Hamilton and includes all areas within its geographic limits.

- 2.23 “Zoning By-law” means the By-law adopted by Municipal Council pursuant to Section 34 of the Planning Act and includes the Municipality’s Comprehensive Zoning By-law, as amended or superseded from time to time which is applicable to any land to which this By-law applies.

### **Part 3: Signs**

Signs as described above shall be further defined as:

- 3.01 “Banner” sign means a sign composed of lightweight material so as to allow movement which is caused by atmospheric conditions.
- 3.02 “Billboard” sign means 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 and are subject to the regulations set out in Section 7.11.
- 3.03 “Canopy” sign means a sign erected as an integral part of an attached canopy or a freestanding canopy and are subject to the regulations set out in Section 7.12.
- 3.04 “Construction” sign means a sign incidental to a construction project or a development located within the boundaries of the development or construction site.
- 3.05 “Crop” sign means a sign that identifies field crops or a sign advertising the retail sale of agricultural products produced on the farm where such sign is located.
- 3.06 “Development identification” sign means 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.
- 3.07 “Directional” sign means 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.
- 3.08 “Election” sign means a sign erected in connection with Federal, Provincial, Municipal or School Board election by or on behalf of a candidate.
- 3.09 “Ground” sign means 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 and are subject to the regulations set out in Section 7.07. Also see “Signature Entrance” sign.
- 3.10 “Home identification” means a sign which identifies by letters and/or numbers the name of the occupants and/or street address of the building on which lot the sign is located.
- 3.11 “Home occupation/industry” means a sign for the identification of a home-based business, permitted in accordance with the current Municipal Zoning By-law and are subject to the regulations set out in Section 7.15.
- 3.12 “Illuminated” sign means a sign illuminated or lighted by any artificial means whatsoever including direct, indirect, internal or external sources of illumination.
- 3.13 “Heritage” sign means a sign or tablet ground mounted or permanently attached or architecturally integrated to a building of heritage significance.

- 3.14 “Off-lot” sign means a 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 and are subject to the regulations set out in Section 7.10.
- 3.15 “On-lot” sign means and sign identifying or advertising a business, person, activity, good, product or service available at the lot where the sign is located.
- 3.16 “Portable” or “Mobile” sign means and includes 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 and are subject to the regulations set out in Section 7.09. This shall include inflatable signs tethered to the ground. Also see “Sandwich Board” sign.
- 3.17 “Public Authority” sign means 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.
- 3.18 “Real Estate” sign means a sign on a lot advertising the sale, rent or lease of the lot and shall include signs which advertise new subdivisions or developments.
- 3.19 “Roadside memorial” sign means 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 and are subject to the regulations set out in Section 7.16.
- 3.20 “Roof” sign means 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.
- 3.21 “Sandwich Board” sign means a sign, which is erected or placed on, but not permanently anchored in the ground, with copy on either or both sides, and is designed as a self-supporting ‘A’ frame. Also see “Portable” or “Mobile” sign.
- 3.22 “Signature Entrance” sign means a permanent ground sign that is to promote and advertise the name of the subdivision, neighbourhood or community. Also see “Ground” sign.
- 3.23 “Special Event” sign means any sign used to advertise an activity or event of a charitable or non-profit organization that is transitory or impermanent in nature.
- 3.24 “Temporary” sign means a sign that is permitted to be erected or displayed for a maximum of 5 consecutive days.
- 3.25 “Wall” or “Facade” sign means a sign attached in close proximity and parallel to any exterior building wall and are subject to the regulations set out in Section 7.08.
- 3.26 “Window” sign means 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 and are subject to the regulations set out in Section 7.13.

**Part 4: General**

- 4.01 No person shall erect, display, alter 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.
- 4.02 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.

- 4.03 No signs located within the municipal limits of the Township shall be located in such manner as to impede the view of any street 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 devise.
- 4.04 No banner signs shall be displayed across any street without approval of Council and upon approval shall be installed by employees of the Township at a fee established by Council.
- 4.05 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.

## **Part 5: Permit Exemption**

- 5.01 Home identification signs bearing only property numbers, street addresses, mailbox numbers, estate names or names of occupants of the premises and having a maximum area of 0.2 square metres (2 square feet).
- 5.02 Real estate signs (point of sale) shall have a maximum area of 0.6 square metres (6.5 square feet). Such signs shall be limited to a maximum of two (2) signs per lot be located on the private property and shall not obstruct or interfere with the vision of vehicular or pedestrian traffic.
- 5.03 Temporary yard sale, garage sale, private auctions or open house signs shall have a maximum area of 0.4 square metres (4.3 square feet). Such signs shall be limited to a maximum of two (2) signs per lot, be located on the private property and shall not obstruct or interfere with the vision of vehicular or pedestrian traffic.
- 5.04 Directional signs provided for driveway access shall have a maximum area of 0.4 square metres (4.3 square feet). Such signs shall be limited to a maximum of two (2) signs per driveway and shall be located no more than 1.5 metres (59 inches) above the finished grade.
- 5.05 Public authority signs.
- 5.06 Heritage or commemorative signs or tablets.
- 5.07 Roadside memorial signs, within municipal rights of way.
- 5.08 Signs erected by a government or municipal agency to assist commerce and the tourist trade which have been approved by Council.
- 5.09 Flags, emblems or insignia used only for the identification of a nation, province, country, Township, school, political or religious group.
- 5.10 Displays consisting entirely of vegetable material.
- 5.11 Construction site signs with an area not greater than 1 square metre (11 square feet) and is removed from the site within thirty (30) days of the completion of the construction.
- 5.12 Election signs for Federal, Provincial, Municipal or School Board elections shall be in accordance with the Election Acts.
- 5.13 Special event signs with an area not greater than 3 square metres (32 square feet) erected a maximum of twenty eight (28) days prior to the day of the event and removed within two (2) days after the completion of the event. Council approval shall be required prior to erection of the sign.

- 5.14 Crop signs that identify crops or signs that advertise the sale of fresh farm products. Such signs shall have a maximum area of 0.5 square metres (5.4 square feet).
- 5.15 Sandwich board signs provided they are located on private property and are not more than 0.5 metres (20 inches) wide and 1.2 metres (48 inches) high.
- 5.16 Signs placed within the Municipality advertising Township fundraising events are subject to Council approval.

## **Part 6: Prohibited Signs**

- 6.01 Vehicles, trailers or other equipment permanently parked solely for the purposes of advertising the direction to or a place of business or an event.
- 6.02 Signs that encroach on public property unless expressly authorized by the responsible public authority.
- 6.03 Signs that endanger public safety by reason of their location or inadequate or improper construction or maintenance.
- 6.04 Signs which obstruct or impede any flue, air intake, fire escape, fire exit, walkway, passageway, door, window, skylight, exhaust or free access by firefighters to any part of a premises and/or building.
- 6.05 Signs on public trees, fence posts or utility poles.
- 6.06 Signs which by their pictures, words or drawings are indecent or may tend to corrupt or demoralize.
- 6.07 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.
- 6.08 Signs painted on the exterior walls of any building.
- 6.09 Roof signs or signs erected in part or entirely above the surface of the roof of a building or structure.
- 6.10 Ground signs exceeding 2.4 metres (8 feet) in height from the finished grade within 15 metres (49 feet) of a traffic light.
- 6.11 Signs attached to a freestanding canopy except canopy signs and soffit signs.
- 6.12 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 thirty (30) days of the closing of the business.
- 6.13 Signs which obstruct or utilize a required parking space.

## **Part 7: Regulations**

- 7.01 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 (1) year, the provisions of this By-law shall apply.
- c) The applicant must provide proof of legal non-conformity.

7.02 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.

7.03 Height specifications

- a) No part of any sign erected above a pedestrian walkway shall be less than 2.4 metres (8 feet) above finished grade; and
- b) The maximum height of a wall sign shall not exceed the height of the adjoining wall.

7.04 Compliance with site development agreements

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

7.05 Sign illumination

- a) No sign erected or displayed may be illuminated by remote fixtures not permanently fixed to the sign or sign structure; and
- 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.

7.06 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' or 'facade' sign and one (1) window sign per business frontage; and
- b) One (1) per business premises of another type of exterior sign. ie canopy or ground type.

7.07 Ground signs

The following regulations shall apply to all ground signs:

- a) Ground signs shall be set back a minimum of 1 metre (3 feet) from all street lot lines;
- b) No ground sign shall exceed 5 metres (16 feet) in any dimension of the sign face;
- c) No more than one (1) sign shall be mounted to the supporting structure of any ground sign, unless the supporting structure has been designed by a Professional Engineer to support the intended loads. 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 (24 feet) above finished grade;

- e) Ground signs shall be setback a minimum of 1.5 metres (5 feet) from any common lot boundary with an adjacent lot;
- f) Ground signs including any part of its structure shall not be located closer than 1 metre (3 feet) to any driveway; and
- g) No ground sign shall be erected where the distance between a structure and the street line is less than 4 metres (13 feet).

**7.08 Wall or Facade signs**

The following regulations shall apply to all wall or facade signs:

- a) The maximum area of wall or facade signs shall be the lesser of fifteen (15) percent of the building facade to which it is attached or 9 square metres (97 square feet) or as approved by Council;
- b) No wall or facade sign shall extend greater than 0.6 metres (2 feet) above the eave of the roof surface;
- c) No wall or facade sign or part thereof shall project more than 0.3 metres (1 foot) from the wall upon which it is mounted; and
- d) No wall or facade sign shall extend beyond the extremities of the wall to which it is attached.

**7.09 Portable or Mobile signs**

The following regulations shall apply to all portable or mobile signs:

- a) 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 removal;
- b) 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;
- c) No sign or any part of the sign structure shall be located less than 1 metre (3 feet) from any property line;
- d) No side of any sign shall have a gross area greater than 3 square metres (32 square feet);
- e) All 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) sign shall be erected or displayed on a lot at any time;
- g) Each sign shall be on privately owned property and not on municipal property and must be maintained to the satisfaction of the Township; and
- h) Signs shall not be converted to permanent 'ground' signs.

**7.10 Off-lot signs**

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

- a) A maximum of one (1) sign may be erected or displayed on any one lot;



- b) A maximum of one (1) sign for any one business may be erected or displayed within the Township;
- c) All signs shall be located in line with the established building lines or where no such line exists, shall have a minimum setback of 3 metres (10 feet) from all property lines;
- d) Off-lot signs shall not be located within a radius of 30 metres (98 feet) from one another ;
- e) No sign shall have an area greater than 9 square metres (97 square feet); and
- f) Signs shall not be located closer than 15 metres (49 feet) from residentially zoned lots.

**7.11 Billboard signs**

The following regulations shall apply to all billboard signs:

- a) These signs shall not be located closer than 10 metres (33 feet) from any side yard lot line, 30 metres (98 feet) to a park, hospital, school or 100 metres (328 feet) from any residentially zoned lots;
- b) Signs shall be a minimum of 500 metres (1640 feet) from any other billboard sign and shall not exceed a maximum of 28 square metres (301 square feet) in area; and
- c) Any sign shall be a minimum of 100 metres (328 feet) from any township road.
- d) Any sign located on a county or federally maintained road shall require the approval of the appropriate authority.
- e) Signs shall only advertise goods, products, services or facilities that are located within the Township of Hamilton.

**7.12 Canopy signs**

The following regulations shall apply to all canopy signs:

- a) These signs shall be designed as an integral part of the canopy fascia;
- b) No portion on any sign shall be less than 2.4 metres (8 feet) above the finished ground immediately below such sign; and
- c) Signs shall only be located on the storey having direct access to a street.

**7.13 Window signs**

The following regulations shall apply to all window signs:

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

**7.14 Residential signs**

The following regulations shall apply to all residential signs:

- a) A maximum of one sign not exceeding 1 square metre (11 square feet) in area advertising boarding or lodging on the property on which the sign is located, provided such accommodation is not prohibited by the current Township of Hamilton Zoning By-law; and

- b) A maximum of one (1) sign not exceeding 1 square metre (11 square feet) in area indicating the name of the apartment on the property, on which the sign is located, provided such use is permitted by the current Township of Hamilton Zoning By-law.

**7.15 Home occupation/industry signs**

The following regulations shall apply to all home occupation/industry signs:

- a) Signs shall not exceed 1 square metre (11 square feet) in area; and
- b) A maximum of one (1) sign shall be permitted and located on the property to which the home-based business is permitted.

**7.16 Roadside memorial signs**

To help memorialize loved ones who have perished in vehicular accidents and to 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 accident 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. Refer to Appendix 'B', 'C' and 'D' for a graphical representation.

Message 1- Available for all victims of highway fatalities:

“Please Drive Safely” in memory of \_\_\_\_\_

Message 2- Available for highway fatalities where victim was not wearing a seat belt:

“Please Buckle Up” in memory of \_\_\_\_\_

Message 3- 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 accident by a member of the immediate family of the deceased. All requests to erect a roadside memorial sign shall be in writing to the Municipal Clerk or Director of Public Works. Applicants will be informed in writing of the decision of Council.
- c) A roadside memorial sign shall be supplied, erected and maintained by the Public Works Department.
- d) Fees for roadside memorial signs will be based on cost recovery of the sign and not as a revenue generator for the Municipality.

**Part 8: Design and Review**

**8.01 Sign structures attached in any manner to a building shall be designed by an architect or a professional engineer or a combination of both where it is:**

- a) A projecting sign that weighs more than 115 kilograms (253 pounds); or
- b) A roof sign that has any face that is more than 10 square metres (108 square feet).

8.02 Sign structures shall be reviewed by an architect or a professional engineer or a combination of both where it is:

- a) A ground sign that exceeds 7.5 metres (24 foot 7 inches) in height above the adjacent ground;
- b) A projecting sign that weighs more than 115 kilograms (253 pounds); or
- c) A roof sign that has any face that is more than 10 square metres (108 square feet).

## **Part 9: Administration**

9.01 Chief Building Official

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

9.02 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 laws; or
- b) The application is incomplete or any fees due are unpaid.

9.03 Permit application

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 property upon which the sign is to be located;
- d) Drawings, plans and specification showing:
  - i. The location or proposed location of the sign on the property including its relation to any road(s) and property line(s);
  - ii. The location or proposed location of all other signs on the property 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 licenced engineer or qualified professional, as the Chief Building Official may require; and
  - iv. Message to be displayed.
- e) All permits as may be required by any other applicable government authority such as Hydro One, Electrical Safety Authority, the Ministry of Transportation;
- f) The required permit 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; and
- h) The consent of the person in possession of the property ~~let~~ upon which the sign is to be located to permit entry upon the land by the Chief Building Official or designate for the purposes of inspecting the sign in accordance with Section 15(6) of the Ontario Building Code Act, as amended. ~~but~~ Nothing herein shall be construed to in any way limit or restrict the right of the Chief Building Official to enter upon the land in accordance with the provisions of the Ontario Building Code Act, the Provincial Offences Act or any other statutory authority.

9.04 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 this By-law;
- b) Application to Council for a variance shall clearly set out why the provisions of this By-law cannot be met and shall be accompanied by the appropriate non-refundable fee for a variance, as set out in the Fees and Charges By-law Schedule "F"; and
- c) Council may, upon receiving the application for a variance, from the provisions of this By-law, authorize such minor variances provided in the opinion of Council, the general intent and purpose of this By-law are maintained.

9.05 Permit fee

Sign permit fees shall be as specified in the Fees and Charges By-law Schedule "F".

9.06 Construction

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

9.07 Sign removal or order to remove sign

- a) When a sign is erected or displayed in contravention to 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 to 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 property upon which the 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 property upon which a sign is located shall comply with the Order forthwith or within such time as specified in the Order; and
- 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.

9.08 Enforcement and Penalty

- a) This By-Law shall apply to all property within the limits of the Municipality and shall be enforced on a written complaint basis only.

- b) Subject to Section 9.07 of this By-law, if compliance with an Order has not been made, the Chief Building Official or designate may remove said sign at the expense of the owner. 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.

9.09 Validity

If any section, clause or provision of this By-law is for any reason declared by Court or competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid. 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.

9.10 Liability

The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person(s) who erects, displays, causes, permits or allows to be erected or displayed, any sign, from 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.

9.11 Indemnification

The applicant for a permit for a sign, the owner and occupant of the lands and property 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.

9.12 Offences/Penalties

Every person 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 who knowingly:

- a) 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, direction or other requirement given in accordance with this By-law;
- c) Contravenes any provision of this By-law; or
- d) Causes, permits or allows any contravention of any of the provisions of this By-law.

9.13 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 No: 94-65;

b) The Corporation of the Township of Hamilton By-law No: 2010-17.

9.14 Effective date

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

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William Cane, MAYOR

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Kate Surerus, CLERK