

Authority: Item 28, Committee of the Whole
Report 02-037 (PD02002(a)/TOE02182)
CM: November 13, 2002

Bill No. 312

**THE CITY OF HAMILTON
BY-LAW NO. 02-312**

**Being a By-law to Implement a Rural Signage Program
in Conjunction with the City of Hamilton Addressing System**

WHEREAS Council deems it necessary to enact a single by-law providing for a rural signage program for the numbering of buildings along highways and for affixing numbers for property identification in conjunction with the Urban and Rural City Addressing System;

AND WHEREAS the purpose of such rural signage program is to reduce emergency response time and to assist all emergency services including police, fire and ambulance services, by having uniform signs located and displayed in accordance with this by-law to provide clearly identifiable address numbers visible to emergency vehicles travelling in any direction at any time on a highway or street;

AND WHEREAS paragraph 112 of Section 210, of the Municipal Act, R.S.O. 1990, Chapter M.45 provides,

“For numbering the buildings and lots along any highway, beach, park, reserve or any other property in the municipality that it is considered necessary to number by the council, and for affixing numbers to the buildings and for charging the owner or occupant with the expense incident to the numbering of the lot or property.

- (a) Such expense may be collected in the same manner as taxes, and, if paid by the occupant, subject to any agreement between the occupant and the owner, may be deducted from the rent payable to the owner.”

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sched. C, did incorporate, as of January 1st 2001, the municipality ‘City of Hamilton’;

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the “former area municipalities” and individually as a “former area municipality”);

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the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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

SHORT TITLE

1. This By-law may be cited as the "Rural Municipal Numbering By-law".

DEFINITIONS AND INTERPRETATION

2. (1) In this By-law,
 - (a) **"building"** means a structure occupying an area greater than 10 square metres (one-hundred and seven square feet) consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto, and may include an addition to any existing **building**;
 - (b) **"Chief Building Official"** means the **Chief Building Official** of the **City** of Hamilton appointed under Section 3 (2) of the Building Code Act, S.O. 1992, c. 23, as amended, and for purposes of this by-law includes his/her designate(s);
 - (c) **"City"** means The **City** of Hamilton;
 - (d) **"Fire Chief"** means the **Fire Chief** of the **City** of Hamilton appointed under Subsection 6 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended, and for purposes of this by-law includes his/her designate(s);
 - (e) **"lot"** includes a parcel of land which is capable of being legally conveyed in accordance with the provisions of the Planning Act, S.O. 1990, c. P.13;
 - (f) **"city addressing system"** means the method by which the **City** applies **City** numbers to **lots** within the **City** of Hamilton. This shall be done in accordance with the mapping as prepared by the General Manager, Planning and Development as amended from time to time;
 - (g) **"owner"** includes the registered **owner**, condominium corporation, assessed **owner**, occupant, tenant, person for the time being managing or receiving the rent of the property whether on his/her own account or as an agent or trustee or on account of any other person;

- (h) “**property identification sign**” means a sign required under this by-law which shall be fastened to a **street** post and installed in accordance with **City** standards;
- (i) “**rural**” means those lands in the **City** which are located outside both the ‘**Urban Area**’ and ‘**Rural Settlement Area**’ boundaries in the **City** of Hamilton, and for purposes of this by-law shall include those lands in an ‘agricultural’ and/or ‘country’ setting;
- (j) “**street**” means any public highway as defined in the Municipal Act, R.S.O. 1990, c. M.45, as amended; and
- (k) “**urban**” means those lands in the **City** which are located within both the ‘**Urban Area**’ and ‘**Rural Settlement Area**’ boundaries in the **City** of Hamilton, and for purposes of this by-law shall include those lands in an ‘inner-city’ and/or ‘built-up’ area setting.
- (2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

PREVIOUSLY INSTALLED PROPERTY IDENTIFICATION SIGNS

3. (1) Subject to Subsection (2), where a **property identification sign** has been installed under a **rural** municipal numbering by-law previously in force in one of the former area municipalities and the sign is maintained in good repair, such sign shall be deemed to be in compliance with this by-law.
- (2) Where the previously installed **property identification sign** in Subsection (1) is subsequently replaced, the **owner** or his/her agent shall replace and position the sign with a **property identification sign** in compliance with the requirements and standards specified in the remainder of this by-law.

GENERAL REQUIREMENTS FOR PROPERTY IDENTIFICATION SIGNS

4. The **City** address number, for other than those **buildings** which have already been assigned a **City** address number, shall be assigned by the Planning and Development Department in accordance with the **city addressing system**.
5. The **owner** of **every building**, located on a **lot** in a **rural** area shall install or have installed a **property identification sign**, which services may be performed by the **City** upon payment of the fee(s) as prescribed in ‘The Fees For Services/Activities By-law’. Such sign shall be installed in accordance with the provisions of this by-law and consistent with the ‘**Property Identification Sign Placement**’ diagram on attached Schedule “A”.

6. Notwithstanding the provisions of Section 5, no person shall install a post for the **property identification sign**, unless and until underground service locates have been undertaken by the relevant utilities to determine that the post may be installed in safety and without damage to services.
- 7.. All **owners** of land and **buildings**, within the **rural** area as defined above are required to comply with the provisions of this by-law.
8. No person shall install or affix a **property identification sign** required pursuant to the provisions of this by-law except in accordance with the requirements set out in this by-law.
9. The **property identification sign** shall be:
 - (1) a minimum of 125 millimetres (five inches) high, by 405 millimetres (sixteen inches) wide;
 - (2) supplied by the **City**, and printed or marked on painted or coated steel or such other durable material as may be specified by the **City**;
 - (3) composed of 10 centimetre (four inch) high white retro-reflective numbers on a green retro-reflective background;
 - (4) affixed, to a steel post of the size and configuration supplied by the **City**, and at a height being from the grade at the base of the post to the top of the **property identification sign**, of not less than 1 .0 metre (three feet three inches) and not greater than 1.22 metres (four feet);
 - (5) located on the municipal road allowance in front of the **lot** upon which the **building** is situated in a manner clearly visible to traffic travelling at any time and from any direction on the **street** from which the **building** or **lot** has its main access;
 - (6) erected within 4.5 metres (fourteen feet nine inches) of the edge of the asphalt, or where gravel, the travelled portion of the **street** and within 4.5 metres (fourteen feet nine inches) of the left of the driveway upon entering such driveway. The **property identification sign** may be situated within the same guidelines on the opposite side of the driveway where approved by the Director, Roads and Traffic, or by so assigned staff; and
 - (7) constructed and located similarly to, and generally consistent with, the requirements of Subsections (1) through (6) of this Section if it is of a temporary nature pursuant to Section 10 (2) and Section 13 of this by-law.
10. (1) No person shall fail to have erected a **property identification sign** in accordance with the requirements of this by-law for a **lot** which is

owned and/or occupied and on which construction is taking place, by the earlier of:

- (a) the commencement of occupancy of a **building** on the property; or
 - (b) within six (6) weeks of the issuance of a **Building** Permit respecting construction of a **building** on the property.
- (2) Notwithstanding the provisions of Section 5, 9 and 10 (1) of this by-law, the **owner** shall, where a **building** is under construction, display the **property identification sign** as a temporary sign made of durable material. Such sign shall be located on the **lot** in such a manner that it is clearly visible from the **street** from which the **building** has its main access. For purposes of this Subsection, temporary shall be deemed to be a period of not more than forty-five (45) days.
- (3) Subsection (1) does not apply to the construction of an addition to a **building** where the **property identification sign** is already displayed in accordance with the provision of this by-law.
- 11 (1) No person shall remove a **property identification sign** once it is posted.
- (2) Subsection (1) does not apply to an authorized employee or agent of the **City** removing the sign as part of their assigned duties.
12. Every property **owner** or occupant shall insure that the **property identification sign** is maintained in good repair in conformance with this by-law and in such a manner so as to be readable, clearly visible at all times from the adjacent roadway, and unobstructed by vegetation, structures, snow accumulation or any other screening.

NOTICE

- 13 Where a **property identification sign** is found to be missing, in disrepair, damaged, removed or not installed in accordance with the provisions of this by-law, the **owner** or occupant of the property or **lot** shall be sent notice of such, and given forty-five (45) days from receipt of such notice to repair or replace such sign. In such circumstance the **owner** or occupant shall install a temporary sign forthwith, until a permanent replacement **property identification sign** is installed in accordance with the provisions of this by-law.
14. Where the **owner** of a **building** fails to affix the required **property identification sign**, or where such **owner** affixes the **property identification sign** without compliance with the provisions of this by-law and the period of

notice provided in Section 13 has passed, the Director, Roads and Traffic or his/her designate may:

- (1) remove the **property identification sign** affixed in contravention of the provisions of this by-law, and/or
- (2) affix the **property identification sign** in accordance with the provisions of this by-law.

FEES

15. Replacement **property identification signs** and/or posts may be obtained from the **City** at the cost specified in 'The Fees for Services/Activities By-law'.
16. Where the **owner** upon having been given due notice and having failed to install, maintain, repair or replace such damaged, removed, missing, obstructed or incorrectly placed **property identification sign** within the required forty-five (45) days, the **City** may perform such work at a cost to the **owner** as indicated in 'The Fees for Services/Activities By-law'.
17. Where the Director, Roads and Traffic or his/her designate performs the work outlined in Sections 14 or 16, the costs so incurred may be collected in the same manner as municipal taxes.

ENFORCEMENT

18. Administration and enforcement of this by-law shall be performed jointly by the **Chief Building Official** and/or the **Fire Chief** of the **City** of Hamilton.

PENALTY

19. Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

SEVERABILITY

20. 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 and 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 terms to the extent possible under law.

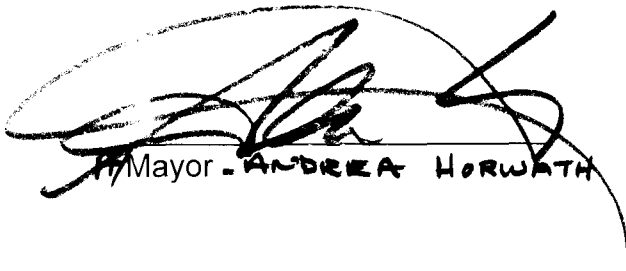
REPEAL AND ENACTMENT

21. The following By-laws all as amended, of the named "former area municipalities" are hereby repealed:

- (1) By-law No. 97-41 (Ancaster);
- (2) By-law No. 567-98 (Glanbrook);
- (3) By-law No. 98-86-S (Flamborough);
- (4) By-law No. 4899-99 (Stoney Creek).

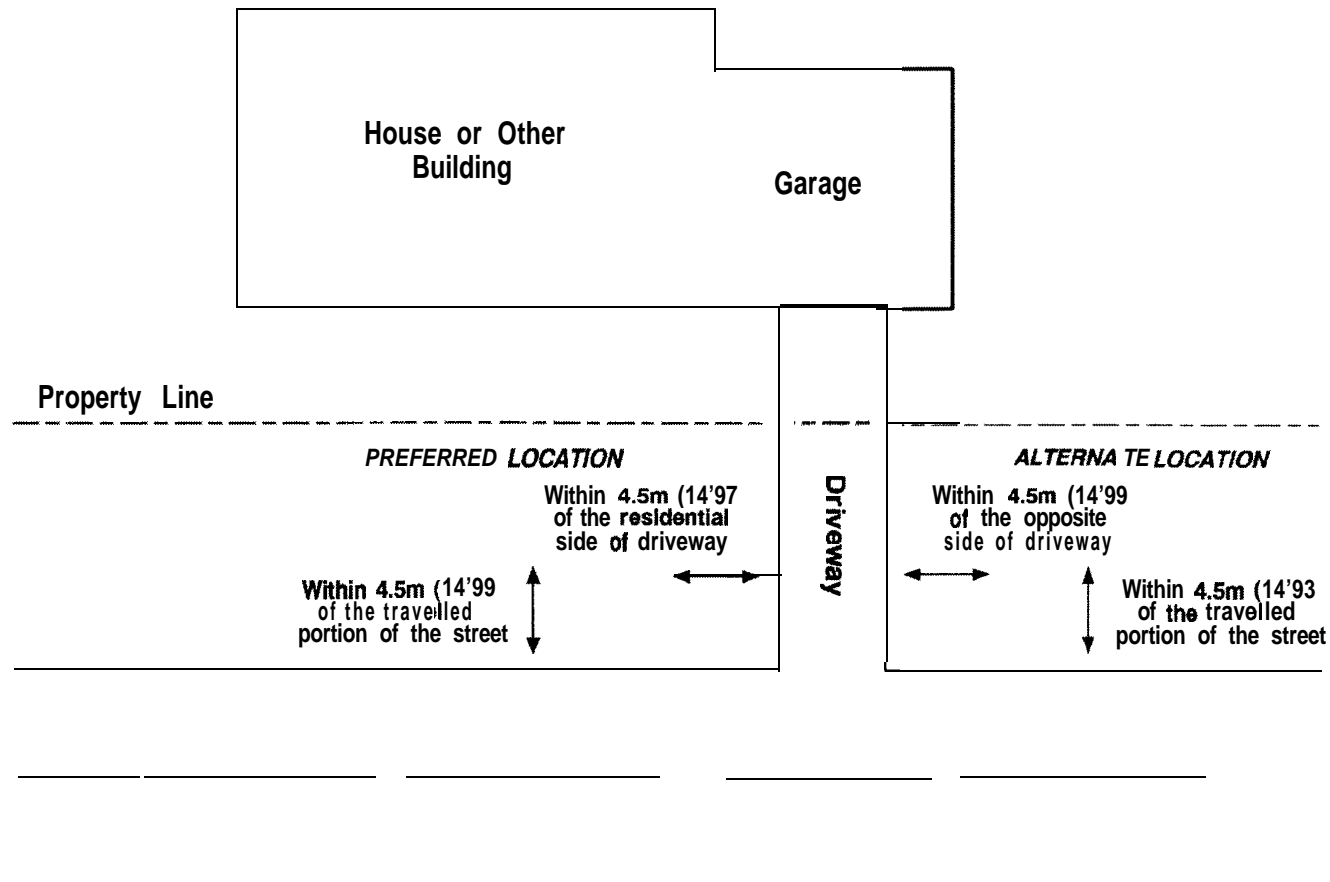
22. This by-law shall come into force and effect on the date of enactment.

ENACTED and PASSED this 13th day of November, A.D. 2002


Mayor - ANDREA HORWATH


City Clerk

City of Hamilton Rural Property Identification Sign Placement Diagram



City of Hamilton
Schedule "A" to By-Law No.

02-312