

CITY OF NIAGARA FALLS

By-law No. 2021-24

A by-law to prohibit or regulate the placing or erecting of signs, notices, and advertising devices on public and private property within the City of Niagara Falls.

WHEREAS under section 8 and section 11(1) of the *Municipal Act*, 2001, R.S.O. 2001, c. 25, a municipal corporation has the powers of a natural person including by-law making powers respecting signs.

AND WHEREAS under s. 99 of the *Municipal Act*, 2001, R.S.O. 2001, c. 25 rules are prescribed applicable to the by-law making powers respecting advertising devices including signs.

AND WHEREAS the Council of the City of Niagara Falls has engaged in public consultation including public meetings and direct consultations with representatives of the business community and sign industry.

AND WHEREAS the Council of the City of Niagara Falls desires to regulate signage within the City for purposes of public safety and public aesthetics.

AND WHEREAS the Official Plan and related policies of the City of Niagara Falls includes provisions concerning signs.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1.0 TITLE

This By-law shall be known and cited as the “Sign By-law”.

2.0 DEFINITIONS

The following definitions shall apply for the purposes of this By-law:

Advertising device means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights.

Agricultural land use means the use of land, buildings or structures for agriculture or agricultural-related uses or land zoned Agriculture in the Zoning By-law.

Agricultural sign means a sign erected on an agricultural land use.

Awning means a fabric over frame structure that projects from the exterior wall of a building that provides shade or other weather protection.

Awning sign means a sign that is marked or inscribed upon or within the fabric of an awning.

Banner means a sign or advertising device made from cloth, plastic or a similar lightweight non-rigid material erected upon or supported by one (1) or more poles and includes a flag, pennant or other similar device.

Bench sign means a sign painted on or attached to a bench.

Billboard means a permanent outdoor third party sign erected and maintained by a person, company, or business engaged in the sale or rental of the sign or the use of the sign to a clientele.

Building face means an exterior wall of a building.

Canopy means a permanent, rigid, roof like structure that is attached to and supported by the exterior wall of a building and may be supported from the ground.

Canopy sign means a sign attached to, marked or inscribed on a canopy.

Chief Building Official shall mean the person and/or his designate, so appointed by Council pursuant to the *Building Code Act*.

City means The Corporation of the City of Niagara Falls.

Community bulletin board means a bulletin board designated by the City upon which a poster may be placed by members of the public.

Community Event sign means a temporary sign that is erected for a local charitable community event and may be erected 7 days prior to the event and must be removed 72 hours after the event has concluded.

Construction sign means a type of temporary sign that provides information about the activity occurring at a construction site.

Council means the Council of The Corporation of the City of Niagara Falls.

Directional sign means a free-standing sign that gives directions or instructions for the control of vehicular or pedestrian traffic on a property.

Directory sign means a sign listing the tenants of a building containing at least two (2) distinct tenant units and that displays only the name and address of the tenants or occupancies for identification purposes.

Electronic Message Centre sign (EMC) means a sign that is capable of displaying words, symbols, figures or images as copy, which can be electronically changed by remote or automatic means. This could include full motion video or fixed copy that changes.

Fascia sign means a sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building on a plane at any angle greater or less than ninety degrees to the plane of the building's wall.

First party sign means a sign which advertises, promotes, or directs attention to businesses, goods, services matters or activities that are only available at or related to the premises where the sign is located.

General ground sign means a ground sign supported by the ground with a maximum vertical clearance of 0.75 metres between grade and the base of the sign.

Grade means the average surface elevation of the finished ground below a sign or the point where the ground is in contact with any sign, building, or other structure.

Ground sign means a sign directly supported by one (1) or more uprights, poles or braces or located on a structural base placed in or upon the ground and includes a pylon sign.

Illumination study shall mean a study completed by a qualified professional that examines the impact of the illumination from a sign on adjacent areas and properties.

Information sign means a sign installed for public safety or convenience regulating on premises traffic, parking or a sign denoting sections of a building and displaying no commercial advertising.

Institutional land use means the use of land, buildings or structures for any use permitted under the Institutional zone or land zoned Institutional in the Zoning By-law.

Institutional sign means a sign installed on an institutional land use.

Legal Non-conforming sign means an existing sign, legally erected prior to December 15, 2008 and for which a permit was previously obtained and which does not conform with any or all of the provisions of this by-law, as amended.

Logo sign means a sign attached to the wall of a building and located at the uppermost storey of a building and consisting solely of a graphic, corporate symbol or trademark used to identify a particular building or premise or a particular occupant of a building.

Lot means a parcel of land fronting onto a street, which may be described by metes and bounds in a registered deed or be shown in a registered plan of subdivision. Contiguous lots in common ownership and occupied by a single building shall be deemed to be a single lot for the purpose of this By law.

Mansard roof means a roof having two (2) slopes on all sides with the lower slope at an angle of not less than 60 degrees and steeper than the upper slope.

Menu Board sign means a sign erected as part of a drive-through facility and used to display and order products and services available in association with the drive-through business.

Murad means any type of display or artistic endeavour applied as paint, film or other covering to an external wall or other integral part of a building or structure which may include words or advertisement or other promotional message or content, including logos or trademarks.

New development sign means a first party sign or third party sign which identifies or provides information relating to or advertising the development or construction of a building or buildings.

Official population means the total number of residents of the City of Niagara Falls as determined by the most recent population census completed by the Government of Canada.

Official sign means a sign erected by a public authority for the purposes of that public authority.

Owner means the registered owner of the premises on which a sign is located or is proposed to be located.

Park means any publicly owned or publicly controlled land that is used or intended to be used for outdoor recreation, green space or as a natural buffer.

Person means an individual, firm, corporation, association or partnership.

Portable sign means a sign not permanently anchored to the ground or attached to a building and designed in a manner as to be capable of being moved from place to place. Without limiting the generality of the foregoing, this definition shall include a mobile sign, sandwich board sign, A-frame sign, and inflatable sign.

Poster means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, bulletin, handbill, leaflet, notice and placard.

Premises means a lot and includes all buildings and structures thereon.

Projected image sign means a sign which consists of an image projected onto a wall, sidewalk or other surface.

Projecting sign means a building mounted sign with the sign faces perpendicular to the building fascia, excepting an awning sign and a canopy sign.

Property line means the boundary of a lot.

Public property means property, land or a building owned by the City, The Regional Municipality of Niagara, Province of Ontario, Government of Canada, or a local board as defined in the *Municipal Affairs Act*, as amended.

Pylon sign means a ground sign with a minimum vertical clearance of 2.7 metres between the grade and the lowest part of the sign face.

Readograph means a sign or part thereof, composed of alpha-numeric characters which is changed either manually or electronically.

Region means The Regional Municipality of Niagara.

Regulation means, unless the context indicates a reference to provincial or federal regulations, any standard, rule, requirement or prohibition set out in this by-law.

Residential land use means the use of land, buildings or structures exclusively for human habitation.

Roof sign means a sign supported entirely or partly by the roof of a building or structure and projects above the roof and parapet and shall not include a sign painted onto a roof.

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 or notice.

Sign area means the total area of the surface of every face of a sign including the border or frame, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected. Where there is no border or the sign is composed of individually installed letters, numerals, or shapes, the sign area shall include all of the area of the smallest rectilinear outline that uses the least number of horizontal and vertical lines to enclose the grouping of letters, numerals, or shapes.

Sign District means an area defined by the City for the purpose of prohibiting or regulating the placing or erecting of signs, notices, and advertising devices.

Sign face means that portion of a sign upon which or through which the message of the sign is displayed.

Sign uniformity plan means drawings and specifications approved by the City showing the arrangement of all wall signs erected and to be erected on a building or premises containing more than one (1) occupancy, and providing details of the type, character, height, and design of the signs in relation to the architectural features of the building.

Street means any highway as defined in the *Municipal Act*, 2001.

Streetline means and is the property line between a lot and a street.

Temporary sign means a sign anchored to the ground but erected for a limited period of time. Without limiting the generality of the foregoing, this definition shall include a real estate sign, construction sign, election sign, portable signs, sale banner, and new development sign.

Third party sign means a sign which advertises, promotes, or directs attention to businesses, goods, services matters or activities that are not available at or related to the premises where the sign is located.

Visual impact study means a study that demonstrates through graphics and other means, the expected visual appearance a sign will have at its proposed locations within its surroundings as viewed from relevant vantage points.

Wall area means the total area of an upright or vertical side of a building including any articulations.

Wall sign means a sign attached to or erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes awning signs, fascia signs, and murads.

Window sign means a sign posted, painted, or affixed in or on a window exposed to public view.

I. ADMINISTRATION

3.0 ADMINISTRATION

3.1. Interpretation

- 3.1.1. Words importing the singular number or the masculine gender only shall include more **persons**, parties or things of the same kind than one, and females as well as males and the converse.
- 3.1.2. The **Chief Building Official** or his designate shall determine the type of **sign** that any particular **sign** is and his determination of this issue shall be final.

3.2. Administration

- 3.2.1. The **Chief Building Official** and/or his designate shall be responsible for the administration of this By-law.

3.3. Permits

- 3.3.1. Except for **signs** referred to in section 3.5.1, no **person** shall erect, display or maintain a **sign** on private property unless a permit is obtained under the provisions of this By-law prior to the erection for that **sign**.
- 3.3.2. All **signs** shall conform to the provisions of this By-law.
- 3.3.3. A permit shall be refused if the proposed **sign** does not comply with this or any other By-law of the **City** or **Region**, or Provincial or Federal statute, **regulation** or approval.
- 3.3.4.
 - (1) A permit issued by the **City** for a **sign** shall expire six months from the date of issuance unless the **sign** is erected for its intended purpose.
 - (2) In the event that an application is made to extend the six month period referred to in subsection 3.3.4(1) above, prior to the expiration of that six month period the time to erect the **sign** may be extended for a further six months by the **Chief Building Official**.
 - (3) A permit may only be extended once.
- 3.3.5. When a **sign** is removed, the permit issued for that **sign** shall be deemed to be revoked.
- 3.3.6. The **City** may revoke a permit under the following circumstances:
 - (a) The **City** issued the permit in error, or
 - (b) The sign does not conform to this By-law, the Ontario Building Code, or any other applicable **regulation** or legislation or approval, or
 - (c) The permit has been issued as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application, plans, drawings, sketches and other documents submitted with the application, or
 - (d) The **sign** is causing, will cause or is contributing or will contribute to a hazardous condition.
- 3.3.7. If a building permit is issued for a **sign** that building permit is deemed to be a **sign** permit for the purposes of this By-law.
- 3.3.8. The provisions of this By-law shall not apply to prevent the installation of a sign for the purpose of public service by The Corporation of the City of Niagara Falls, The Regional Municipality of Niagara, any local board as

defined in the *Municipal Affairs Act*, R.S.O. 1990, c.M.46, the Niagara Peninsula Conservation Authority, The Niagara Parks Commission, the *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c.M.19; and any Department or Ministry of the Government of Canada or Ontario including Ontario Hydro, or by any railway, power commission, telephone, telecommunication, or gas company or other utility supplying public services provided that the sign shall be designed and installed in accordance with the general character of the sign district and general regulations of the sign type.

3.4. **Application for Permit**

- 3.4.1. The applicant for a permit shall be the **owner** of the property or building on which the **sign** is to be erected or the authorized agent of the **owner**.
- 3.4.2. The applicant shall file with the **City** an application for a permit on the prescribed form.
- 3.4.3. The applicant for a permit shall provide to the **City**:
 - (a) A completed application in the form prescribed by the **City**;
 - (b) The written authorization of the **owner** where the applicant is not the **owner** of the property or building where the **sign** is to be erected;
 - (c) A drawing showing the location and dimensions of all existing and proposed **signs**, and identifying the materials of which the proposed **sign** is to be constructed;
 - (d) A site plan showing the location of the **sign** in relationship to other buildings and structures, the **street**, and the boundaries of the property upon which the **sign** is proposed to be erected;
 - (e) Sufficient information for the **Chief Building Official** to determine that the **sign** has been designed and will be constructed in compliance with the applicable structural and fire prevention provisions of the Ontario Building Code.
- 3.4.4. An application for a **fascia sign** for a building or property containing more than one (1) occupancy or tenant shall include a **sign uniformity plan** where **signs** are proposed for more than one (1) occupancy or tenant.
- 3.4.5. Prior to applying to the **City** for a permit, the applicant shall obtain approval for the proposed **sign**, if required, from any other governmental authority having jurisdiction over the **sign**.

- 3.4.6. Notwithstanding section 3.4.5 above, in the case of a **sign** subject to the jurisdiction of Niagara Parks Commission, the approval of the Niagara Parks Commission may be obtained after the application has been made.
- 3.4.7. Notwithstanding section 3.4.5 if the **Chief Building Official** believes unreasonable delays in the process would occur he may issue a conditional sign permit following as closely as possible the rules and procedures of the *Building Code Act*, 1992, S.O. 1992, c. 23, any replacement legislation to that Act and any **regulations** promulgated pursuant to that Act or replacement legislation for the issuance of Conditional Building Permits.
- 3.4.8. Fees payable at the time of the application shall be in accordance with the permit fee structure adopted by the **City** and shall be paid prior to the **City** accepting any **sign** permit application for processing.

3.5. **Signs for Which a Permit is Not Required**

- 3.5.1. No **sign** permit shall be required for the following **signs**, provided the erection of such **sign** complies with all other provisions of this by-law and that a valid building permit is issued by the **City**, where required by the Ontario Building Code, to permit the erection of such **sign**:
 - (a) **Signs** to be located on lands that lie within an area that is under the jurisdiction of the Regional Municipality of Niagara, the Niagara Escarpment Commission or the Ministry of Transportation, provided that:
 - (i) a permit has been issued by the agency having jurisdiction; and
 - (ii) a valid building permit has been issued by the **City** for the following types of **signs** prior to the commencement of erection of such **sign**:
 - A. **Ground signs** exceeding 7.5 metres (24.6 ft.) in height;
 - B. **Roof signs** exceeding 10 square metres in **sign area**; and
 - C. **Billboard signs**.
 - (b) **Official signs** or **signs** pertaining exclusively to public safety;
 - (c) Flags of corporations, nations, educational, or religious organizations provided not more than three (3) flags are located at one (1) **premises**;

- (d) A **poster** affixed to a **community bulletin board** in accordance with the provisions of this By-law;
- (e) A **sign** containing the name and address of a resident or occupant, provided the **sign** is not more than 0.2 square metres in **sign area** and does not include any commercial advertising for a **residential land use** of less than six (6) dwelling units;
- (f) A **sign** containing the name and address of the building, provided the **sign** is not more than 2.4 square metres in **sign area** and does not include any commercial advertising for a **residential land use** of six (6) or more dwelling units;
- (g) **Information signs** not more than 0.4 square metres in **sign area**;
- (h) Real estate **signs** not more than 0.5 square metres in **sign area** in a residential zone and 2.0 square metres in all other areas. Such real estate **sign** shall be removed within 14 days after the date of closure of an offer of purchase or lease of the **premises**;
- (i) A **window sign** on the first storey of a building occupied by a commercial use provided the **window sign** is not more than 20% of each window section or pane;
- (j) **Directional sign** not more than 0.5 square metres in **sign area** and 1.2 metres in height;
- (k) An open house **directional sign**;
- (l) A **construction sign** not more than 5.0 square metres in **sign area** and to be removed within 30 days of the construction being completed or discontinued;
- (m) A **sign** for a contractor undertaking landscaping, home repairs or renovations, provided such **sign** is erected no more than two (2) days prior to the commencement of the project and is removed from the property immediately after the project is completed;
- (n) A garage sale **sign** or a **sign** advertising a lost pet;
- (o) Election **signs**;
- (p) **Community event sign** not more than 3 m² (32.29 sq. ft.) in **sign area**;
- (q) **Menu board sign** not more than 3.5 m² (37.67 sq. ft.) in **sign area** and not more than 3 m. in height.

3.6. Prohibited Signs

3.6.1. Any **sign** not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following **signs** are specifically prohibited:

- (a) A **sign** located on or over **public property**;
- (b) **Bench sign**;
- (c) A **sign** located so as to obstruct the view of any pedestrian or motorist so as to cause an unsafe condition;
- (d) A **sign** attached to or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying the **sign** or advertisement;
- (e) A **sign** which obstructs or is located in a parking space that is required to enable the **premises** upon which the portable or **temporary sign** is located to comply with the requirements of a City of Niagara Falls Zoning By-law;
- (f) A **sign** located in a daylight triangle;
- (g) An inflatable **sign**;
- (h) No **sign** located within 30 metres of an intersection shall contain any green or red lettering or graphics that are illuminated or flashing;
- (i) Any **sign** which violates in any way any statute, **regulation** or by-law of the Government of Canada, the Province of Ontario, the **Region** or the **City**.

Niagara Civic Convention Centre

3.6.2. Notwithstanding the foregoing and the provisions of section 12.1, a **banner** is permitted to be located on **public property**, in accordance with the following:

3.6.2.1 The provisions of this section shall apply to any **banner** erected by the Operator of the Niagara Civic and Convention Centre Inc.

3.6.2.1.1. In this part:

- (a) “**Approved fixture**” means a fixture for erecting a **banner**, attached to a pole or

structure in a location and of a construction approved by the Director of Municipal Works of the **City** within the **designated area**.

(b) “**NCCC Banner**” means a **banner** that complies with the regulations of this by-law and is authorized to be erected upon an approved fixture by or at the direction of the NCCC within the designated area which relates to events to take place at the Niagara Convention and Civic Centre.

(c) “**Designated Area**” means the area designated on Schedule “B” for the erection of **NCCC Banners**.

3.6.2.1.2. No permit shall be required to erect an **NCCC Banner** on an **Approved Fixture**.

3.6.2.1.3. The Operator of the Niagara Civic and Convention Centre Inc., or designate, shall obtain written acknowledgment of any proposed **banner** prior to installation.

3.6.2.1.4. Contractors retained by the NCCC to erect **NCCC Banners** shall comply with all applicable standards, rules and **regulations** of the **City** concerning or related to undertaking work in **City** streets.

3.6.2.1.5. An **Approved Fixture** may be located on public lands.

3.6.2.1.6. An **NCCC Banner** shall not be used for advertising or promoting any event which is not related to the NCCC or any business other than the NCCC.

3.6.2.1.7. All other relevant provisions of this by-law shall apply to **NCCC banners**.

3.6.2.1.8. The appropriate Business Improvement Association shall be consulted with by the Operator of the Niagara Civic and Convention Centre Inc. where the **Designated Area**

intersects with a Business Improvement Area prior to the installation of any **banners**.

Business Improvement Areas

3.6.2.2 The provisions of this Part shall apply to **banners** erected by or at the direction of, Boards of Management of a Business Area within the Business Improvement Area of that Board of Management.

3.6.2.2.1 In this part:

- (a) “**Approved fixture**” means a fixture for erecting **banners**, attached to a pole or structure in a location and of a construction approved by the Director of Municipal Works of the **City** within the **Designated Area**.
- (b) “**BIA Banner**” means a **banner** that complies with the **regulations** of this by-law and is authorized to be erected upon an **approved fixture** by the Board of Management of a Business Improvement Area within the Business Improvement Area governed by the Board of Management giving the approval and which relates to events and businesses within the BIA

3.6.2.2.2 No permit shall be required to erect a BIA **Banner** on an **approved fixture**.

3.6.2.2.3 The Operator of the Niagara Civic and Convention Centre Inc., or designate, shall obtain written acknowledgment of any proposed **banner** prior to installation.

3.6.2.2.4 Contractors retained by Boards of Management of Business Improvement Areas to erect **BIA banners** shall comply with all applicable standards, rules and **regulations** of the **City** concerning or related to undertaking work in **City** streets.

3.6.2.2.5 An **Approved Fixture** may be located on public lands.

3.6.2.2.6 A **BIA Banner** shall not be used for advertising or promoting any event which is not related to the BIA or to any business located outside boundaries of the BIA.

3.6.2.2.7 All other relevant provisions of this by-law shall apply to **BIA banners**.

3.6.2.3 Any **banner** installed in accordance with subsections 3.6.2.1 and 3.6.2.2 above shall comply with the following **regulations**:

3.6.2.3.1 A **banner** projecting over a sidewalk shall have a minimum vertical clearance of 2.75m between the **grade** and the lowest part of the **sign face**.

3.6.2.3.2 A **banner** projecting over any portion of a road shall have a minimum vertical clearance of 4.8m between the road surface and the lowest part of the **sign face**.

3.6.2.3.3 A **banner** shall not be installed on poles supporting traffic control signals or stop/yield **signs**.

3.6.2.3.4 A **banner** shall not be installed within 30m of a rail crossing.

3.6.2.3.5 A **banner** shall not obstruct the visibility of traffic **signs**, traffic signals or other traffic control devices.

3.6.2.3.6 A **banner** shall not resemble images or text that imitates any official parking or traffic control signal, **sign** or device.

4 GENERAL PROVISIONS

4.1 No **sign** shall be located so as to obstruct the view of the movement of traffic or pedestrians upon any **street** or railway crossing to **persons** using or seeking to use the **street** or railway crossing or of the view of any traffic signal located on or near the **street**, lane, highway or railway crossing.

4.2 Except where otherwise permitted, no **sign** shall be fixed, attached to or painted onto a fence, board, tree, transit shelter, splash guard, safety or guard rail, utility pole, street furniture, trash or recycling bin.

4.3 The **owner** of the **premises** upon which any **sign** is located, shall be responsible for every aspect of any **sign** on that **premises** and, without limiting the generality of the foregoing, shall obtain any licence required for the **sign** and maintain the **sign** in a proper state of repair to prevent the **sign** becoming unsafe or dangerous.

- 4.4 No **sign** shall be located within 1.5 metres of an adjacent **lot**, except for a **fascia sign** or **wall sign** where the adjacent **lot** line is a shared wall, or is on a structure located on a street corner.
- 4.5 Any external lighting used to illuminate a **sign** shall be arranged to not direct light onto an adjacent **street** or **premises**.
- 4.6 Except as provided for in clauses (e) and (f) of section 3.5.1 and section 15 of this By-law no **sign** is permitted on a **residential land use**.
- 4.7 A **sign** must be located or displayed at a location where that type of **sign** is permitted and must comply with the **regulation** applicable to that type of **sign** in that location.
- 4.8 It is the express intent of **Council** that this by-law is not to be interpreted so as to grant rights to **Persons** that they would not have enjoyed but for the passage of this by-law.
- 4.9 The onus of demonstrating that a **sign** is not subject to the provisions of this by-law shall be upon the **owner** of that **sign**.
- 4.10 Changes to a **legal non-conforming sign** including replacement of the **sign** content and **sign face** or restoration, reinforcement and repair to the structural elements of a **sign** shall be permitted provided all dimensions and location of the **sign** remain exactly the same and shall be subject to obtaining the necessary **sign** permit.
- 4.10.1 Where changes to a **legal non-conforming sign** necessitate the removal or disassembly of structural elements, in whole or in part, it is deemed a replacement **sign** which necessitates full compliance with all provisions of this by-law and shall require a building permit.
- 4.10.2 A **sign** permit shall not be required for any alterations or repairs to a **sign** for which a **sign** permit has been issued where such alterations or repairs involve only a change in copy or the repainting, cleaning or other normal activities provided the **sign** structure is not modified in any other way.

II. SIGNS PERMITTED BY DISTRICT

5 SIGN DISTRICTS

- 5.1 (1) For the purposes of this By law, the following **Sign Districts** shown in Schedule "A" are hereby established for the **regulation** of **signs** in the **City**: Downtown District, Fallsview District, Clifton Hill District, Lundy's Lane District, Whirlpool District, Chippawa District, Commercial District and Industrial District.

- (2) The types of **signs** permitted in each district shall be as set out in Tables 1 and 2.
 - (3) Where a type of **sign** is permitted, it shall be subject to the **regulations** relating to that type of **sign**.
 - (4) In addition to the **regulations** described in subsection 5.1(3) a **sign** shall be subject to any special **regulations** that apply to that type of **sign** in the **Sign District** where the **sign** is located.
- 5.2
- (1) Those areas of the **City** that are not within a **Sign District** listed above in Article 5.1(1) and that are zoned any Neighbourhood Commercial designation pursuant to By-law No. 79-200 as amended are designated Neighbourhood Commercial **Sign District** for the purposes of this By-law.
 - (2) Those areas of the **City** that are not within a **Sign District** listed above in Article 5.1(1) and that are zoned any Commercial designation other than a Neighbourhood Commercial designation pursuant to By-law No. 79-200 as amended that are designated Commercial/Industrial **Sign District** for the purposes of this By-law.
 - (3) Those areas of the **City** that are not within a **Sign District** listed above in Article 5.1(1) and zoned any Industrial designation pursuant to By-law No. 79-200 as amended that are designated Commercial/Industrial **Sign District** for the purposes of this By-law.

Table 1 Sign Districts				
Column 1		Column 2		
Sign Type				
		Fallsview	Clifton Hill	Downtown
Ground Signs	Pylon Sign	Yes	Yes	No
	General Ground Sign	Yes	Yes	Yes
Wall Signs	Fascia Sign	Yes	Yes	Yes
	Murad	Yes	Yes	No
	Awning Sign	Yes	Yes	Yes
	Logo Sign	Yes	Yes	Yes
Roof Sign		No	Yes	No
Projecting Sign		Yes	Yes	Yes
Canopy Sign		Yes	Yes	Yes
Billboard		see section 11.0		
Portable Sign		No	No	Sandwich Board Signs - Yes

				All other Portable Signs - No
Temporary Sign		No	No	No
Banner		Yes	Yes	No
Electronic Message Centre		Yes	Yes	No
Projected Image Signs	Above Ground	Yes	Yes	No
	On Ground	Yes	Yes	No
Readograph		Yes	Yes	Yes

Table 2 Sign Districts				
Column 1		Column 2		
Sign Type				
		Lundy's Lane	Whirlpool	Chippawa
Ground Signs	Pylon Sign	Yes	Yes	No
	General Ground	Yes	Yes	Yes
Wall Signs	Fascia Sign	Yes	Yes	Yes
	Murad	Yes	Yes	Yes
	Awning Sign	Yes	Yes	Yes
	Logo Sign	Yes	Yes	Yes
Roof Sign		No	No	No
Projecting Sign		Yes	Yes	Yes
Canopy Sign		Yes	Yes	Yes
Billboard		see section 11.0		
Portable Sign		Yes	Yes	No
Temporary Sign		No	No	Yes
Banner		Yes	Yes	Yes

Readograph Sign		Yes	Yes	No
Projected Image Signs	Above Ground	Yes	Yes	No
	On Ground	Yes	Yes	No
EMC		Yes	Yes	No

Table 3 Sign Districts			
Column 1		Column 2	
Sign Type		Neighbourhood Commercial District	Commercial/Industrial District
Ground Signs	Pylon Sign	No	Yes
	General Ground Sign	Yes	Yes
Wall Signs	Fascia Sign	Yes	Yes
	Murad	Yes	Yes
	Awning Sign	Yes	Yes
	Logo Sign	No	Yes
Roof Sign		No	No
Projecting Sign		Yes	Yes

Canopy Sign		Yes	Yes
Billboard		see section 11.0	
Portable Sign		Yes	Yes
Temporary Sign		No	Yes
Banner		No	Yes
Readograph Sign		No	Yes
Projected Image Signs	Above Ground	No	Yes
	On Ground	No	Yes
EMC		No	Yes

5.3 In the Downtown **Sign District** the following **regulations** apply in addition to those set out in Tables 1 and 2:

- (a) A **fascia sign** shall be located within the horizontal band which divides the store front windows from the upper facade;
- (b) A **sign** in the Downtown **Sign District** shall not be internally illuminated.

5.4 Notwithstanding Table 1, the following **signs** are permitted outside of the **Sign Districts**:

- (a) **institutional signs**;
- (b) **agricultural signs**;
- (c) **new development signs**.

III. **THE REGULATIONS**

The **regulations** specific to each type of **sign** are as follows:

6 GROUND SIGNS

A **ground sign** shall conform to the following **regulations**:

6.1 Ground signs

General ground signs and **pylon signs** must comply.

- 6.1.1 One (1) **ground sign** may be located along a **street** frontage for each 45 metres of **street** frontage.
- 6.1.2 No more than two (2) **ground signs** may be located on the **street** frontage of property.
- 6.1.3 No **ground sign** shall be located closer than 30 metres to any other **ground sign** on the same property.
- 6.1.4 The maximum total **sign area** for all **ground signs** on a **street** frontage shall be as set out in Table 4.

Table 4 Maximum Area Ground Signs		
Lot Frontage	Sign Districts	
	Chippawa	All Other Sign Districts
23 metres or less	-	4.6 sq. m
23 metres to 30 metres	-	7.0 sq. m
Over 30 metres but less than 46 metres	-	9.3 sq. m
Over 46 metres	-	

		General Ground Signs: 18.6 sq. m Pylon Sign: 23.0 sq. m
All frontages	4.6 sq. m	-

- 6.1.5 The maximum **sign area** for all **ground signs** on a property shall include the area of all permitted **directional signs**.
- 6.1.6 Every **ground sign** shall display the municipal address of the property upon which the **sign** is located in numerals that are a minimum height of 150 millimetres.
- 6.1.7 No part of a **ground sign** shall be located within 1.5 metres of a **streetline** or public sidewalk.
- 6.1.8 The maximum height of a **ground sign** other than a **pylon sign** shall be 2.4 metres.

6.2 Pylon Signs

A **pylon sign** shall conform to the following **regulations**:

- 6.2.1 A **pylon sign** shall be erected on a property with a minimum **street** frontage of 30 metres.
- 6.2.2 A **pylon sign** shall not be erected on a **street** frontage of a **lot** that is less than 30 metres.
- 6.2.3 There shall be no more than one (1) **pylon sign** erected on any frontage of any **lot**.
- 6.2.4 Notwithstanding Table 3, a **pylon sign** shall not be erected in the Main and Ferry District as shown on Schedule "A" of this By-law.
- 6.2.5 The maximum height of a **pylon sign** shall be 9 metres.
- 6.2.6 A **pylon sign** shall have and maintain a minimum vertical clearance of 2.7 metres between the **grade** and the lowest part of the **sign face**.

7 WALL SIGNS

7.1 Fascia Signs

A **fascia sign** shall conform to the following **regulations**:

- 7.1.1 No **fascia sign** shall cover or project into any window, door, or other opening on a **building face**.
- 7.1.2 A **fascia sign** may project a maximum of 0.45 metres from a **building face** over the **streetline**.
- 7.1.3 A **fascia sign** projecting .08 metres or more from a **building face** shall be a minimum of 2.70 metres above **grade**.
- 7.1.4 The upper limit of a **fascia sign** shall not project above the roofline or parapet of a building.
- 7.1.5 No **fascia sign** shall be attached to a **mansard roof**.
- 7.1.6 The maximum aggregate area of all **fascia signs** on any one (1) **building face** shall be 25% of the area of the **building face** to which it is attached.
- 7.1.7 Notwithstanding sub-section 7.1.6 the maximum area of all **fascia signs** on any one (1) **building face** within the Chippawa District shall be 9.3 square metres.
- 7.1.8 Where two (2) or more **fascia signs** are attached to a building, the **signs** shall maintain a uniform band of signage along the **building face** defined by locating all signage on the **building face** in a manner that maintains a consistent horizontal alignment and vertical height.
- 7.1.9 In the case of a building containing multiple occupancies or tenants, a maximum of one (1) **fascia sign** shall be permitted for each tenant or occupancy provided the maximum total **sign area** permitted for **fascia signs** is not exceeded.
- 7.1.10 One (1) fascia **directory sign** shall be permitted on any building and shall be included in the total maximum **sign area** for **fascia signs**.

7.2 Murad Signs

A **murad sign** shall conform to the following **regulations**:

- 7.2.1 The maximum area of a **murad sign** shall be 25% of the area of the **building face** from which it is displayed.
- 7.2.2 Notwithstanding sub-section 7.2.1 the maximum area of a **murad sign** displayed within the Chippawa District shall be 9.3 square metres.

7.3 Awning Signs

An **awning sign** shall conform to the following **regulations**:

- 7.3.1 The maximum **sign area** of an **awning sign** shall be 25% of the **awning** to which it is applied.
- 7.3.2 The maximum length of an **awning sign** shall be 10 metres.
- 7.3.3 **Awning signs** shall not consist of three dimensional letters or graphics.
- 7.3.4 Notwithstanding clause (a) of section 3.6.1, an **awning sign** may encroach onto a **street** or shoulder of a **street** to within 0.8 metres of a street curb or the shoulder of a road.

7.4 Logo Signs

A **logo sign** shall conform to the following **regulations**:

- 7.4.1 Where a **logo sign** is displayed on a building that is four (4) or more stories in height the **logo sign** shall be displayed on the **building face** of the upper most storey of that building.
- 7.4.2 Where a **logo sign** is displayed on a building of three (3) or fewer stories, it may be displayed anywhere on the building.
- 7.4.3 The maximum **sign area** of a **logo sign** shall be 10% of the portion of the **building face** defined by the floor and ceiling of the storey of the building upon which the **logo sign** is displayed.

8 ROOF SIGNS

A **roof sign** shall conform to the following **regulations**:

- 8.1 No more than one (1) **roof sign** shall be located on a building.
- 8.2 A **roof sign** shall be integrated with the architecture of the building on which it is erected and shall not appear as a separate structure.
- 8.3 A **roof sign** shall be located a minimum of 1.2 metres from the outer wall of the building on which it is displayed. In no case shall a **roof sign** overhang the outer wall of a building.
- 8.4 No part of a **roof sign** shall be higher than 5.5 metres above the roof or parapet of the building.
- 8.5 No part of a **roof sign** shall be closer than 1.0 metres to the roof deck.
- 8.6 The maximum **sign area** of a **roof sign** shall not exceed 20 square metres.

- 8.7 A **roof sign** shall not obstruct any door, window, skylight, scuttle, or fire escape or prevent the free access of fire fighters to any part of the building.
- 8.8 A **roof sign** shall not obstruct the view from any window or skylight that is in a building located on an adjacent property.
- 8.9 An application for a **roof sign** shall include a **visual impact study** and an **illumination study** to illustrate and evaluate the impact of the **roof sign** with respect to the **City's** skyline and appearance from Queen Victoria Park.

9 PROJECTING SIGNS

A **projecting sign** shall conform to the following **regulations**:

- 9.1 A **projecting sign** shall not encroach onto a **public property**.
- 9.2 Notwithstanding section 9.1 a **projecting sign** may encroach onto a **street** one half of the distance between the **streetline** and the **street** curb or the shoulder of the **street** where a shoulder exists or to within 0.8 metres of a **street** curb or the shoulder of a road where a shoulder exists, whichever is the lesser of the two distances.
- 9.3 The maximum area of a **projecting sign** shall be 7.0 square metres.
- 9.4 A **projecting sign** shall maintain a minimum clearance of 2.7 metres above **grade**.

10 CANOPY SIGNS

A **canopy sign** shall conform to the following **regulations**:

- 10.1 The maximum height of a **canopy sign** shall be 0.6 metres.
- 10.2 Where a **canopy sign** is displayed above the **canopy** the vertical space between the lowest point of the **sign** and the top of the **canopy** or overhang shall not exceed 0.3 metre.
- 10.3 A **canopy sign** may project a maximum 0.3 metre from the **canopy** face.
- 10.4 A **canopy sign** shall maintain a minimum clearance of 2.7 metres above **grade**.
- 10.5 Notwithstanding clause (a) of section 3.6.1, a **canopy sign** may encroach onto a **street** one half the distance between the **streetline** and the street curb or the shoulder of the **street** where a shoulder exists or to within 0.8 metres of a **street** curb or the shoulder of a road where a shoulder exists whichever is the lesser of the two distances.

11 BILLBOARDS

A **billboard** shall conform to the following **regulations**:

- 11.1 A **billboard** shall only be located on a vacant property designated Major Commercial, Industrial, Good General Agriculture by the City's Official Plan.
- 11.2 Where a **billboard** is located on a **premise**, no other **signs** for which a permit is required shall be displayed on that **premises** and no **sign** permits shall be issued to permit any additional **signs** on that **premises**.
- 11.3 Notwithstanding the provisions of section 11.1 **billboards** are not permitted within the Downtown District and the Chippawa District.
- 11.4 The **sign face** of a **billboard** shall be a minimum 18.0 square metres in area and a maximum of 70 square metres.
- 11.5 The minimum distance between **billboards** shall be 300 metres.
- 11.6 The maximum height of a **billboard** shall be 7.5 metres.
- 11.7 A **billboard** shall have no more than two (2) **sign faces**. Each **sign face** shall comply with section 11.4.
- 11.8 Where a **billboard** has two (2) **sign faces** the **sign faces** shall be located, placed and displayed at an angle no greater than 120 degrees which angle shall be measured from the back of the **sign faces** of the **billboard**.
- 11.9 A **billboard** shall be located more than 90 metres from a designated historic site, a public **park**, or any property designated Residential by the City's Official Plan.
- 11.10 An application for a **sign** permit to erect and display a **billboard** shall include an **illumination study** and a **visual impact study**.
- 11.11 The maximum number of **billboards** in the **City** shall not exceed the **official population** of the **City** divided by 625.
- 11.12 The **City** in each calendar year may approve a maximum of 10 permits for **billboards** at new locations not currently containing **billboards** subject to the provisions of section 11.11 which shall supercede this section such that the total number of **billboards** within the **City** shall never exceed the number specified the calculation described in section 11.11.

12 BANNERS, PORTABLE SIGNS AND TEMPORARY SIGNS

Banners, Portable signs and Temporary signs shall conform to the following regulations:

12.1 Banners

12.1.1 Not more than two (2) **banners** shall be placed on a single pole.

12.1.2 The maximum area of a **banner** shall be 2.5 square metres.

12.1.3 The minimum distance between any part of a **banner** and the **grade** shall be 2.7 metres.

12.1.4 A **sign** permit authorizing the erection, display or maintenance of a **banner**, that permit shall authorize that **owner** to erect, display or maintain any number of **banners** of the same design erected, displayed or maintained in the same manner.

12.2 Portable Signs and Temporary Signs

12.2.1 (1) A **sign** permit to erect, display, or maintain a **portable** or **temporary sign** shall have a maximum term of no more than 30 days.

(2) No more than four (4) permits for a **portable** or **temporary sign** shall be issued to the same business per calendar year.

(3) The total number of days of erection, display or maintenance authorized by the four (4) permits described in sub-section 12.2.1 shall not exceed 120 days per calendar year.

12.2.2 The maximum height of a **portable** or **temporary sign** is 1.8 metres.

12.2.3 A **portable** or **temporary sign** shall have no more than two (2) **sign faces**.

12.2.4 The maximum **sign area** of an individual **sign face** of a **portable** or **temporary sign** shall be 3.0 square metres.

12.2.5 Where a **portable** or **temporary sign** has two (2) **sign faces** the sum of the **sign area** of the two (2) **sign faces** shall be no more than 6.0 square metres.

12.2.6 (1) Notwithstanding the number of occupancies in a **premises**, a maximum of one (1) **portable** or **temporary sign** per 15 metres of frontage shall be displayed along a **street** frontage of a property.

(2) No **portable sign** shall be erected, displayed or maintained within 15 metres of another **portable sign**.

12.2.7 A **portable** or **temporary sign** shall be located as specified in the drawings submitted by the applicant to obtain the permit for that **portable sign**.

12.2.8 A **portable** or **temporary sign** shall be secured firmly to the ground to prevent any movement or tipping of the **sign**.

12.2.9 A **portable** or **temporary sign** shall not be animated in any manner and shall contain no mechanically or wind driven moving parts.

12.2.10 Streamers, flags, or flashing lights shall not be attached to a **portable** or **temporary sign**.

12.2.11 A **portable** or **temporary sign** shall contain no flashing lights or animation.

12.2.12 Without limiting in any way the effect of sub-section 3.6.1(e) a **portable** or **temporary sign** shall not be located in or obstruct a parking space that is required to enable the **premises** upon which the **portable** or **temporary sign** is located to comply with the requirements of a City of Niagara Falls Zoning By-law.

12.2.13 Without limiting in any way the effect of sub-section 3.6.1(a) **portable** or **temporary sign** shall not be located on any **street** or **public property**.

12.3 New Development Signs

A new development sign shall conform to the following regulations:

Table 5 New Development Sign Regulations	
Maximum height	7.0 metres
Maximum sign area	For a first party sign - 50 square metres
	For a third party sign – 30 square metres
Minimum setback from a property line	5.0 metres
Number of signs per street	1
Duration	Sign shall be removed when the City assumes the plan of subdivision or within 60 days of the issuance of an occupancy

	permit or three years, whichever is the lesser.
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13 READOGRAPH OR ELECTRONIC MESSAGE CENTRE (EMC)

A **readograph sign** shall conform to the following **regulations**:

- 13.1 A **readograph** or **electronic message centre sign** may be incorporated into any **ground, fascia, roof sign** or **billboard** permitted by this By-law in the **Sign Districts** listed in Table 6 below and is subject to the accompanying restrictions.

Table 6 Readograph or Electronic Message Centre Sign Area	
Sign District	Maximum Area of Readograph or Electronic Message Centre
Fallsview District	A maximum of 100% of an existing or proposed sign
Clifton Hill District	A maximum of 100% of an existing or proposed sign
Lundy's Lane District	A maximum of 50% of an existing or proposed sign
Whirlpool District	A maximum of 15% of an existing or proposed sign
Commercial/Industrial Districts	A maximum of 15% of an existing or proposed sign

13.2 The message or animation of a **readograph** or **electronic message centre sign** shall cycle at an interval of not less than six (6) seconds.

13.3 For the purposes of this By-law, the installation of a **readograph** or **electronic message centre sign** on an existing **sign** shall require a building permit to ensure compliance with the Ontario Building Code.

13.4 **Distance Separation**

13.4.1 **Electronic message centre sign** shall not be erected within 60m of any Residential zone, if such a **sign** will face directly toward the Residential zone; and,

13.4.2 **Electronic message centre sign** on a **billboard** or **roof sign** shall not be erected within 150m of any Residential zone, if such a **sign** will face directly into a Residential zone.

13.5 **Brightness**

13.5.1 **Electronic message centre signs** shall have an intensity of luminance and illumination shall not exceed the lesser of: (a) 3 lux (0.3 foot candles) above the ambient light conditions, or 300 nits (300 cd/m²) during the hours between dusk and dawn; and (b) 5 lux (0.5 foot candles) above ambient light conditions or 5000 nits (5000 cd/m²) during the daytime hours.

13.6 **Automatic Dimming**

13.6.1 **Electronic message centre signs** must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the illumination regulations of this by-law.

13.7 **Maintenance**

13.7.1 Every **sign owner** shall ensure that each **sign** be maintained so that all **electronic message centre signs** shall be turned off if not in 100% working order.

14 PROJECTED IMAGE SIGNS

Projected image sign shall conform to the following **regulations**:

14.1 Above Ground Projected Image Sign

14.1.1 An above **ground projected image sign** shall be projected onto a **building face** by a projector located on the same property.

14.1.2 For the purpose of calculating the maximum **sign area** permitted on a particular **building face**, an above **ground projected image sign** shall be deemed to be a **wall sign**.

14.1.3 The image projected by an above **ground projected image sign** shall be displayed for an interval of not less than six (6) seconds.

14.1.4 An application for an above **ground** projected **sign** shall include a **visual impact study**, an **illumination study**, and the written authorization of the **owner** of the property or building onto which the **sign** will be projected.

14.1.5 The projector used to project the above **ground projected image sign** shall be incorporated into its surroundings and shall not interfere with the reasonable use of any neighbouring **premises** or **street**.

14.2 On Ground Projected Image Signs

14.2.1 An on-**ground projected image sign** shall be projected onto a horizontal **ground** plane surface by a projector located on the same **premises**.

14.2.2 The image projected by an on-**ground projected image sign** shall be displayed for an interval of not less than six (6) seconds.

14.2.3 An application for an on-**ground** projected **sign** shall include a **visual impact study**, an **illumination study**, and the written authorization of the **owner** of the property onto which the **sign** will be projected.

14.2.4 The projector used to project an on-**ground projected image sign** shall be incorporated into its surroundings and shall not interfere with the reasonable use of any neighbouring **premises** or **street**.

15 TOURIST HOMES SIGNS

Tourist Home **signs** shall conform to the following **regulations**:

15.1 A Tourist Home may have a maximum of one (1) **sign**.

15.2 A Tourist Home **sign** may be a **ground sign** or a **projecting sign**.

- 15.3 A Tourist Home **sign** shall not be erected in a rear yard or an internal side yard, such yards to be determined in accordance with the provisions of any Zoning By-law of the City of Niagara Falls that applies to the subject Tourist Home.
- 15.4 No part of a **ground sign** on a Tourist Home **premises** shall be located within 3.0 metres of a **streetline**.
- 15.5 No part of a **ground sign** on a Tourist Home **premises** shall be located within 1.8 metres of a side **property line**.
- 15.6 A **projecting sign** for a Tourist Home shall be attached to the front wall of the **premises**.
- 15.7 The maximum area of a **ground sign** shall be 3.0 square metres.
- 15.8 The maximum area of a **projecting sign** shall be 1.5 square metres.
- 15.9 The maximum height of a **ground sign** shall be 3.0 metres.

16 POSTERS

Posters shall conform to the following **regulations**:

- 16.1 No **Person** shall erect, place or display a **poster** on **public property** other than a **community bulletin board**.
- 16.2 The **community bulletin boards** shall be located as set out in Schedule "B" to this By-law.
- 16.3 The maximum area of a **poster** shall be 0.28 squares metres.
- 16.4 A maximum of one (1) **poster** concerning a particular topic may be placed on a **community bulletin board** at any one time.
- 16.5 A **poster** may not be located that obstructs or covers any other **poster**.
- 16.6 **Posters** shall be erected, placed or fastened on the **community bulletin board** only by means of thumb tacks, pins, or tape.
- 16.7 City Staff may remove any **poster** that does not comply with these **regulations**.
- 16.8 City Staff shall remove all **posters** from **community bulletin boards** on the last day of each month.

17 SANDWICH BOARD SIGNS

The **regulations** governing the **sandwich board signs** permitted in the Downtown **Sign District** shall be as follows:

- 17.1 Notwithstanding any other provision of this By-law, the **owner** of a **premises** located in the Downtown **Sign District** shall be entitled to a permit for one (1) **sandwich board sign**.
- 17.2 A **sandwich board sign** shall consist of two (2) boards, supported by the **ground** and joined at the top edge to form a rectangular prism.
- 17.3 A **sandwich board sign** shall have no more than two (2) **sign faces**.
- 17.4 The maximum **sign area** of a **sandwich board sign** shall be 1.25 square metres.
- 17.5 The maximum width of a **sandwich board sign** shall be 0.75 metres.
- 17.6 The maximum height of a **sandwich board sign** shall be 1.5 metres.
- 17.7 The maximum number of **sandwich board signs** permitted for each **premises** shall be one (1).
- 17.8 A **sandwich board sign** shall be located on the sidewalk immediately in front of the **premises** to which the sandwich board **sign** relates.
- 17.9 A **sandwich board sign** shall not be located such that it impedes the movement of pedestrians in any way.
- 17.10 A **sandwich board sign** shall be removed from the sidewalk during any time that the **premises** to which the **sandwich board sign** relates is not open for business.
- 17.11 All other provisions and **regulations** of this By-law shall apply to **sandwich board signs** located in the Downtown **Sign District**, with all necessary changes in detail.

18 INSTITUTIONAL SIGNS

The **regulations** governing the **institutional signs** permitted outside the designated **Sign Districts** in Table 1 shall be as follows:

Table 7 Institutional Sign Regulations	
Type of signs permitted	ground sign, fascia sign, projecting sign
Maximum number of signs permitted	3
Maximum readograph/ electronic message centre sign area	15% of the sign area

Maximum sign area	<i>Lot frontage</i>	<i>Max. sign area</i>
	0 to 15m	2.3 sq. m
	16m to 23m	4.6 sq. m
	24m to 31m	7.0 sq. m
	>31m	9.3 sq. m
Maximum height of a ground sign	<i>Lot frontage</i>	<i>Max. height</i>
	0 to 15m	2.4m
	16m to 23m	3.6m
	24m to 31m	6.0m
	>31m	7.5m
Minimum setbacks for a ground sign	1.5 metres from any property line unless the ground sign has less than 1.2 metres of ground clearance then it shall have a minimum setback of 3.0 metres from a street line.	

19 AGRICULTURAL SIGNS

The **regulations** governing the **Agricultural signs** permitted outside the designated **Sign Districts** in Table 1 shall be as follows:

Table 8 Agricultural Sign Regulations	
Types of signs permitted	ground signs
Maximum height	2.0 metres
Maximum sign area	3.0 square metres
Minimum setbacks	1.5 metres from any property line unless the ground sign has less than 1.2 metres of ground clearance then it

	shall have a minimum setback of 3.0 metres from a street line
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IV. VARIANCES AND AMENDMENTS

20 VARIANCES

- 20.1 **Council** hereby delegates the authority to grant minor variances to this By-law to the General Manager of Planning, Building and Development or their Designate.
- 20.2 An application for variance from the provisions of this By-law shall be made to the General Manager of Planning, Building and Development or their Designate on the appropriate form and shall be accompanied by the fee prescribed by the **City**.
- 20.3 The Planning, Building and Development Department shall prepare a report for the consideration of the General Manager of Planning, Building and Development or their Designate, that provides for an assessment of the application, the reasons for the variance and a recommendation to the General Manager of Planning, Building and Development or their Designate.
- 20.4 The General Manager of Planning, Building and Development or their Designate shall give notice of his intention to consider the application not less than ten (10) days before the day the decision is to be made with respect to that application.
- 20.5 Notice of the application shall be given to the applicant, all registered **owners** of property within 60 metres of the property subject of the application and to any appropriate agency or authority.
- 20.6 The notice shall identify the subject **premises**, state the date scheduled for the decision, provide a brief description of the proposed variance and particulars of how to make representations to the General Manager of Planning, Building and Development or their Designate concerning the proposed variance.
- 20.7 The applicant shall post a **sign**, provided by the General Manager of Planning, Building and Development or their Designate, on all **street** frontages the **premises** identifying the subject **premises**, stating the date scheduled for the decision, a brief description of the proposed variance, and the particulars of how to make representations to the General Manager of Planning, Building and Development or their Designate concerning the proposed variance.
- 20.8 If the applicant does not correspond with the General Manager of Planning, Building and Development or their Designate, the General Manager of Planning, Building and Development or their Designate may proceed in the absence of the applicant and the applicant will not be entitled to further notice.

- 20.9 In the event that the applicant desires to submit additional information for the consideration of the General Manager of Planning, Building and Development or their Designate, the applicant may request a deferral of the decision by submitting a written request by 4:30 P.M. of the day before the date the decision is to be made
- 20.10 In considering an application for the variance, the General Manager of Planning, Building and Development or their Designate shall have regard to:
- (a) Special circumstances or conditions applying to the **lot**, building, or use referred to in the application;
 - (b) whether strict application of the provisions of this By law in the context of the special circumstances applying to the **lot**, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant of a type and nature inconsistent with the general intent and purpose of this By-law and the Official Plan;
 - (c) Whether such special circumstances or conditions are pre-existing and not created by the **owner** or applicant;
 - (d) Whether the **sign** that is subject of the variance will alter the essential character of the area in which it is located; and
 - (e) Any comments received.
- 20.11 The General Manager of Planning, Building and Development or their Designate may authorize a variance from the provisions of this By-law, with or without conditions, if, in the opinion of the General Manager of Planning, Building and Development or their Designate:
- (a) The variance is desirable;
 - (b) The variance is minor in nature;
 - (c) That the general intent and purpose of this by-law is maintained: and
 - (d) That the general intent and purpose of the Official Plan is maintained.
- 20.12 In the event that the General Manager of Planning, Building and Development or their Designate has refused to grant the minor variance, the applicant may appeal the refusal to **Council** and the following rules shall apply:
- (a) The applicant shall deliver written notice of his intention to appeal to **City Council** in the prescribed form together with the prescribed fee within ten days of the date of the decision. A **sign** permit application and receipt of a permit within ten days of the date of the decision shall waive the ability of the applicant to appeal the decision to **City Council**.

- (b) The General Manager of Planning, Building and Development or their Designate shall notify anyone who has requested notice of the **Council** meeting when the appeal is to be heard.
- (c) The General Manager of Planning, Building and Development or their Designate shall submit a report to **Council** stating the rationale for the decision.
- (d) The applicant, or his representative, shall attend the meeting where **Council** is to consider the appeal.
- (e) **Council** may uphold, vary or refuse the recommendation of the General Manager of Planning, Building and Development or their Designate. The applicant shall not be entitled to a further hearing on the same matter before **Council** and the decision of **Council** on the application shall be final.
- (f) If the **City** does not receive a written notice of intention to appeal to **Council** in the prescribed form together with the prescribed fee within ten days of the date of the refusal, the decision of the General Manager of Planning, Building and Development or their Designate is final.

21 AMENDMENTS

- 21.1 Council hereby delegates the authority to grant by-law amendments to this By-law to the General Manger of Planning, Building and Development or their Designate.
- 21.2 Where a proposed **sign** fails to meet any of the provisions of clauses (a), (b), (c) or (d) of section 20.11 of this By-law; or where a **billboard** is proposed to be 100% **electronic message centre** other than as permitted by this By-law as determined by the General Manager of Planning, Building and Development or their Designate or where a proposed **sign** is not permitted by this By-law, the applicant shall make application for an amendment to this By-law by:
 - (a) Filing an application on the form provided with the Planning, Building and Development Department;
 - (b) Submitting the prescribed fees; and
 - (c) Submitting any plans, drawings, documents or studies that may be deemed necessary by the General Manager of Planning, Building and Development or their Designate to assess the application.
- 21.3 The Planning, Building and Development Department shall submit a report for the consideration of the General Manager of Planning, Building and Development or their Designate that provides an assessment of the application, the reasons of the amendment and a recommendation to the General Manager of Planning, Building and Development or their Designate.

- 21.4 Notice of date of decision shall be given to the applicant, all registered **owners** of property within 120 metres of the property subject of the application and to any appropriate agency or authority not less than 10 days before the date of decision.

In the case of a proposed general amendment to this by-law, notice shall be given by publishing a notice in a newspaper that, in the opinion of the City Clerk or the General Manager of Planning, Building and Development or their Designate, is of sufficiently general circulation in the area to which the proposed general amendment would apply that it would give the public reasonable notice of the date of decision.

- 21.5 The applicant shall post a **sign**, provided by the Planning, Building and Development Department, on all **street** frontages of the **premises** stating the date of decision and a brief description of the requested amendment.
- 21.6 If the applicant does not correspond with the General Manager of Planning, Building and Development or their Designate, the General Manager of Planning, Building and Development or their Designate may proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.
- 21.7 In considering an application for an amendment, General Manager of Planning, Building and Development or their Designate shall have regard for, with all necessary modification, clauses (a), (b), (c), and (d) of section 20.11 of this By-law.
- 21.8 The General Manager of Planning, Building and Development or their Designate may impose such conditions including, but not limited to, the use of electronic **signs** for public service messaging, upon the granting of an amendment as it deems appropriate in the public interest.
- 21.9 In the event that the General Manager of Planning, Building and Development or their Designate has refused to grant the amendment, the applicant may appeal the refusal to **Council** and the following rules shall apply:
- (a) The applicant shall deliver written notice of his intention to appeal to **City Council** in the prescribed form together with the prescribed fee within ten days of the date of the decision. A **sign** permit application and receipt of a permit within ten days of the date of the decision shall waive the ability of the applicant to appeal the decision to City Council.
 - (b) The General Manager of Planning, Building and Development or their Designate shall notify anyone who has requested notice of the **Council** meeting when the appeal is to be heard;
 - (c) The General Manager of Planning, Building and Development or their Designate shall submit a report to **Council** stating the rationale for the decision.

- (d) The applicant, or his representative, shall attend the meeting where **Council** is to consider the appeal.
- (e) **Council** may uphold, vary or refuse the recommendation of the General Manager of Planning, Building and Development or their Designate. The applicant shall not be entitled to a further hearing on the same matter before **Council** and the decision of **Council** on the application shall be final.
- (f) If the **City** does not receive a written notice of intention to appeal to **Council** in the prescribed form together with the prescribed fee within ten days of the date of the refusal, the decision of the General Manager of Planning, Building and Development or their Designate is final.

21.10 Site Specific Provisions

21.10.1 6361 Fallsview Boulevard

Notwithstanding the provisions contained in sections 3.6.1 and 6.1.4 hereof to the contrary, one **pylon sign** shall be permitted on the lands at the southeast corner of Murray Street and Stanley Avenue, being PIN 64377-0171 (LT), that are associated with the hotel located at 6361 Fallsview Boulevard, being PIN 64377-0105 (LT), having a maximum **sign area** of 63 square metres.

21.10.2 3690 Portage Road

Notwithstanding any provisions contained in section 7.1 hereof to the contrary, one **fascia sign** composed entirely of an electronic video screen having a maximum **sign area** of 5.02 square metres, shall be permitted on the south elevation of the building located on the lands on the east side of Portage Road, south of Keith Street and being PIN 64278-0062(LT), that are associated with the dentist office located at 3690 Portage Road. The **sign** shall not be used as a **third party sign**.

21.10.3 8267 Thorold Stone Road

Notwithstanding the provisions contained in section 5.0 Table 3 hereof to the contrary, one **pylon sign** shall be permitted on the lands at the northeast corner of Thorold Stone Road and Kalar Road, being PIN 64296-0194, that is the location of a gas station known as 8267 Thorold Stone Road, and shall:

- i. be located not less than 42 metres from the north **property line** and not less than 82 metres from the east **property line**;
- ii. have a maximum height of 8 m;
- iii. have a maximum **sign area** of 13 sq. m.; and
- iv. have the lights dimmed between the hours of 11 pm and 7 am.

21.10.4 **8972 Thorold Stone Road**

Notwithstanding the provision contained in section 13.0 Table 6 hereof to the contrary, a **billboard sign** that is 100% **electronic message centre** shall be permitted on the lands at the southwest corner of Thorold Stone Road and Garner Road, being PIN 64266-0145, that is known as 8972 Thorold Stone Road, and shall:

- i. be equipped with photocell technology to automatically adjust the sign's brightness based on ambient light levels so as to not cause any impacts on surrounding residential use nor cause distraction to drivers along Thorold Stone Road; and,
- ii. remove the second existing static **billboard sign** located nearest the west **property line** before a permit is issued for the installation for the **electronic message centre** sign.

21.10.5 **North side of Thorold Stone Road, West of Garner Road**

(By-law No. 2021-49) Notwithstanding the provisions contained in section 11.5 and section 13.0 Table 6 hereof, a **billboard sign** consisting of up to 100% **electronic message centre** shall be permitted on the lands on the north side of Thorold Stone Road and west of Garner Road, being PIN 642670169 and shall be:

- i. located 49 m from the southwest corner of the property and 10.3 m from the Regional Road widened limit;
- ii. no closer than 245 m from another **billboard sign**;
- iii. no larger than 3.048 m x 6.096 m in size;
- iv. equipped with photocell technology to automatically adjust the sign's brightness based on ambient light levels so as to not cause any impacts on a surrounding residential use nor cause a distraction to drivers along Thorold Stone Road; and,
- v. shut off between the hours of 12 midnight and 7:00 AM.

21.10.6 **5034 Victoria Avenue**

(By-law No. 2023-030) Notwithstanding the provisions contained in section 11.5, 11.9 and section 13.0 Table 6 hereof, a **billboard sign** consisting of up to 100% **electronic message centre** shall be permitted on the lands on the southeast corner of Victoria Avenue and Armoury Street, being PIN 64336-0219 (LT) that is the location of a parking lot known as 5034 Victoria Avenue and shall be:

- i. no larger than 3.048 m x 6.096 m in size;
- ii. equipped with photocell technology to automatically adjust the sign's brightness based on ambient light levels to not cause any impacts on surrounding residential uses nor cause a distraction to drivers along Victoria Avenue, and
- iii. shut off between the hours of 11:00 PM and 7:00 AM.

21.10.7 **4624 Queen Street**

(By-law No. 2025-099) Notwithstanding the provisions contained in sections 5.0 Table 1, 3.6.1 (a) and (h), 4.5, 5.3 (b), 10.1, 10.5, 13.1, and 13.1 Table 6, three **canopy signs** consisting up to 100% **readograph/electronic message centre** and three **canopy signs** located above the canopy shall be permitted on the lands on the west side of Queen Street, being PIN 64329-0142 (LT) that is the location of the Seneca Queen theatre known as 4624 Queen Street and the following is permitted:

- i. An **electronic message centre sign(s)**;
- ii. A **canopy sign(s)** and a **canopy sign(s)** located above a canopy may encroach 66% into the municipal right-of-way. An encroachment agreement must be executed with the **City** and registered on title at the **owner's** expense;
- iii. A **sign** located within 28 metres of the St. Lawrence Ave and Queen Street intersection may contain green or red illuminated lettering or graphics but may not flash or employ intermittent illumination;
- iv. External lighting used to illuminate a **sign**, or illuminated graphic symbols, may direct light onto the municipal sidewalk but not onto the municipal **street**;
- v. Lighting must be shut off between the hours of 12:00 a.m. and 8:00 a.m.;
- vi. A **sign** may be illuminated both externally and internally;
- vii. A **logo sign** may be displayed on a canopy;
- viii. The maximum height of a **canopy sign** installed on a canopy shall be 2.3 metres; and,
- ix. The maximum height of a **canopy sign** located above the canopy shall be 0.45 metres.

V. PENALTIES AND ENFORCEMENT

22 PENALTIES AND ENFORCEMENT

22.1 No **Person** shall:

- (a) Erect, locate or display a **sign** without a permit if a permit is required under this By-law for that **sign**;
- (b) Erect, locate or display a **sign** for which a permit has been obtained except in accordance with the approved plans and drawings submitted as part of the permit application;
- (c) Erect, locate or display a **sign** in a manner that is not in accordance with the **regulations** of this By-law or the conditions of any variance granted under this By-law;
- (d) Erect, locate or display a **sign** of a type which is not specifically permitted under this By-law;
- (e) Erect, locate or display a **sign** which is on or overhangs **public property**;
- (f) Fail to comply with an order issued pursuant to section 22.6 of this By-law.

22.2 Every **person** who contravenes any provision of this By-law or an order issued pursuant to section 22.6 of this By-law is guilty of an offence and upon conviction, subject to the penalties and sanctions provided by provincial law for such an offence.

22.3 Where a **person** has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdictions thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

22.4 Where a **sign** is erected or displayed on, over, partly on, or partly over property owned by or under the jurisdiction of the **City**, such **sign** may be removed immediately by the **City** without notice.

22.5 Where a **sign** is erected or displayed in contravention of this By-law, the **Chief Building Official** or his designate may immediately pull down or remove any **sign** that he determines constitutes a safety hazard or concern.

22.6 Where a **sign** erected on private property does not comply with this By-law or a permit issued under this By-law, the **Chief Building Official** or his designate, may by order, require the **owner** to bring the **sign** into conformity in the manner and within the time specified in the order.

22.7 Any order required under this By-law may be given by:

- (a) Personal service upon the party being served, or
- (b) Prepaid registered mail sent to the last address of the party being served, shown on the records of the **City**, or
- (c) Prominently posting a copy of the order either on the **sign** in respect of which the order is given, or on the land upon which the **sign** is located.

22.8 If the **owner** does not comply with an order given under this By-law within the time specified in the order, the **Chief Building Official** or his designate may order the **owner** to remove the **sign** and restore the property and building in the manner and within the time specific in the order.

22.9 Any order required under this By-law may be given by:

- (a) Personal service upon the party being served, or
- (b) Prepaid registered mail sent to the last address of the party being served, shown on the records of the **City**, or
- (c) Prominently posting a copy of the order either on the **sign** in respect of which the order is given, or on the land upon which the **sign** is located.

22.10 Where the order is served in accordance with the provisions of this By-law, it is deemed to have been received by the party being served upon the mailing or posting of the order.

22.11 Where a **sign** is not removed or a property and building are not restored as required by an order issued under this By-law, the **Chief Building Official** or his designate, may have the **sign** removed and the property and building restored. For this purpose, the **Chief Building Official**, his designate, or a contractor or other agent may enter upon the property and **premises** at any reasonable time.

22.12 The costs of removing the **sign** and restoring the property or building may be recovered by adding those costs to the tax roll to be collected in the same manner as taxes.

22.13 Any **sign** removed by the **City** shall be stored by the **City** for 30 days, during which time the **owner** may redeem the **sign** upon payment of the applicable fee prescribed by the **City**.

22.14 Where a **sign** has been removed by the **City** and stored for a period of 30 days and has not been redeemed by the **owner**, the **City** may destroy or otherwise dispose of the **sign** after 30 days without notice or compensation to the **owner**.

23 CONFLICT

- 23.1 Where a provision of this By-law conflicts with any other By-law, the By-law containing the higher standard shall prevail.

24 VALIDITY

- 24.1 If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of **Council** that the remainder of the By-law shall continue to be in force.

25 REPEAL

- 25.1 By-laws 2008-224, 2009-101, 2010-113, 2010-149, 2011-001, 2013-128, 2016-043 and 2020-065 are hereby repealed effective the date of the passing of this By-law.

Read a first, second and third time; passed, signed and sealed in open Council this 9th day of February, 2021

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE "B"

Community bulletin board locations:

1. MacBain Community Centre - 7150 Montrose Road, Niagara Falls
2. Gale Centre – 5152 Thorold Stone Road, Niagara Falls
3. Chippawa Willoughby Memorial Arena - 9000 Sodom Road, Niagara Falls
4. Oakes Park - 5700 Morrison Street, Niagara Falls
5. M.F. Ker Park - 3420 Sinnicks Avenue, Niagara Falls
6. E.E. Mitchelson Park - 3750 - 3800 Springdale Avenue, Niagara Falls