

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 ASign 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 that 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 that 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 that 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 that 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. 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.

3.4. 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 the 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 of 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 sign;
- (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) AApproved 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) ANCCC 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) A 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) 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) ABIA 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 2.75.m 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 AA@ 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	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	Whirlpool	Chippawa
		Ground Signs	Pylon Sign	Yes
	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	Commercial/Industrial District
		Ground Signs	Pylon Sign
	General Ground	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 Signs	Image Above Ground	No	Yes
	Image 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 a 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 street line 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 AA@ 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 street line.
- 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 street line 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 street line 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 and a maximum of 70 square metres in sign area.
- 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 supersede 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.
----------	---

13. READOGRAPH or ELECTRONIC MESSAGE CENTRE (EMC)

A readograph or electronic message centre 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:

<p align="center">Table 6 Readograph or Electronic Message Centre Sign Area</p>	
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 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 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 60 m. of any Residential zone, if such a sign will face directly toward the Residential zone; and,
- 13.4.2. Electronic message centre on a billboard or roof sign shall not be erected within 150 m 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 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. When calculating the maximum sign area permitted on a particular building face, an above ground projected image sign shall be deemed 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 aboveground projected image sign shall be incorporated into its surroundings and shall not interfere with the reasonable use of any neighbouring premise 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 street line.
- 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 AB@ 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 thumbtacks, 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

IV. **VARIANCES AND AMENDMENTS**

20. **VARIANCES**

- 20.1. Council hereby delegates the authority to grant minor variances to this By-law to the Director of Planning, Building and Development.
- 20.2. An application for variance from the provisions of this By-law shall be made to the Director of Planning, Building and Development 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 Director of Planning, Building and Development, that provides for an assessment of the application, the reasons for the variance and a recommendation to the Director of Planning, Building and Development.
- 20.4. The Director of Planning, Building and Development 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 Director of Planning, Building and Development concerning the proposed variance.
- 20.7. The applicant shall post a sign, provided by the Director of Planning, Building and Development, 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 Director of Planning, Building and Development concerning the proposed variance.
- 20.8. If the applicant does not correspond with the Director of Planning, Building and Development, the Director of Planning, Building and Development 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 Director of Planning, Building and Development, 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 Director of Planning, Building and Development 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 Director of Planning, Building and Development may authorize a variance from the provisions of this By-law, with or without conditions, if, in the opinion of the Director of Planning, Building and Development:

- (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 Director of Planning, Building and Development 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.
- (b) The Director of Planning, Building and Development shall notify anyone who has requested notice of the Council meeting when the appeal is to be heard;
- (c) The Director of Planning, Building and Development 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 Director of Planning, Building and Development. 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 Director of Planning, Building and Development is final.

21. AMENDMENTS

- 21.1. Where a proposed sign fails to meet any of the provisions of clauses (a), (b), (c) or (d) of section 20.11; or where a billboard is proposed to be 100% electronic message centre, other than as permitted in this By-law as determined by the Director of Planning, Building and Development 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 Director of Planning, Building and Development to assess the application.
- 21.2. The Director of Planning, Building and Development shall submit a report for the consideration of Council that provides an assessment of the application, the reasons and appropriateness of the proposed amendment and a recommendation to Council.
- 21.3. At least one (1) public meeting shall be held.
- 21.4. Notice of a public meeting 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 20 days before the day of the public meeting.
- 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 Director of Planning, Building and Development, is of sufficient general circulation in the area to which the proposed general amendment would apply, that it would give the public reasonable notice of the public meeting.
- 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, time and location of the public meeting and a brief description of the requested amendment.
- 21.6. If the applicant does not attend the public meeting, Council 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, Council shall have regard for, with all necessary modification, clauses (a), (b), (c), and (d) of section 20.11 of this By-law.
- 21.8. Council may impose such conditions, including, but not limited to, the use of electronic message centre signs for public service messaging, upon the granting of an amendment, as it deems appropriate in the public interest.

- 21.9. Council may uphold, vary or refuse the recommendation of the Director of Planning, Building and Development. The applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council on the application shall be final.

21.10. Site Specific Provisions

- 21.10.1. 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. 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. 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. Notwithstanding the provisions 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 of an electronic message centre sign.

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 that is not specifically permitted under this By-law;
- (e) Erect, locate or display a sign that 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