

# CITY OF NIAGARA FALLS

## **A Consolidated By-law**

Being **By-law No. 2008 - 224** as amended by:

By-law No. 2009 - 101, By-law No. 2010 - 113, By-law No. 2010-149 and By-law No. 2011-01

**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:

- 2.1 **“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.
- 2.2 **“Awning”** means a fabric over frame structure that projects from the exterior wall of a building that provides shade or other weather protection.
- 2.3 **“Awning sign”** means a sign that is marked or inscribed upon or within the fabric of an awning.

- 2.4 **“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.
- 2.5 **“Bench sign”** means a sign painted on or attached to a bench.
- 2.6 **“Billboard”** means a permanent outdoor 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.
- 2.7 **“Building face”** means an exterior wall of a building.
- 2.8 **“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.
- 2.9 **“Canopy sign”** means a sign attached to, marked or inscribed on a canopy.
- 2.10 **“Chief Building Official”** shall mean the person and/or his designate, so appointed by Council pursuant to the *Building Code Act*.
- 2.11 **“City”** means The Corporation of the City of Niagara Falls.
- 2.12 **“Community bulletin board”** means a bulletin board designated by the City upon which a poster may be placed by members of the public.
- 2.13 **“Council”** means the Council of The Corporation of the City of Niagara Falls.
- 2.14 **“Directional sign”** means a free-standing sign that gives directions or instructions for the control of vehicular or pedestrian traffic on a property.
- 2.15 **“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.
- 2.16 **“Electronic sign”** means a sign that is electronically controlled and displays information or attracts attention by means of animation, intermittent flashing or blinking of light, an electronic screen or LED display and includes an electronic readograph.
- 2.17 **“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.
- 2.18 **“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.

- 2.19 **“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.
- 2.20 **“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.
- 2.21 **“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.
- 2.22 **“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.
- 2.23 **“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.
- 2.24 **“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.
- 2.25 **“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.
- 2.26 **“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.
- 2.27 **“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.
- 2.28 **“Official Sign”** means a sign erected by a public authority for the purposes of that public authority.
- 2.29 **“Owner”** means the registered owner of the premises on which a sign is located or is proposed to be located.
- 2.30 **“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.
- 2.31 **“Person”** means an individual, firm, corporation, association or partnership.

- 2.32 **“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.
- 2.33 **“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.
- 2.34 **“Premises”** means a lot and includes all buildings and structures thereon.
- 2.35 **“Projected image sign”** means a sign which consists of an image projected onto a wall, sidewalk or other surface.
- 2.36 **“Projecting sign”** means a sign attached to a building and projecting out horizontally at a right angle to a building for a distance greater than 0.6 metres but not more than 3.0 metres.
- 2.37 **“Property line”** means the boundary of a lot.
- 2.38 **“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.
- 2.39 **“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.
- 2.40 **“Readograph”** means a part of a permanent sign composed of changeable letters which is designed or constructed to convey a temporary message and which is designed or constructed so that the message conveyed on the readograph may be changed mechanically or as part of an electronic display.
- 2.41 **“Region”** means The Regional Municipality of Niagara.
- 2.42 **“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.
- 2.43 **“Residential land use”** means the use of land, buildings or structures exclusively for human habitation.
- 2.44 **“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.

- 2.45 “**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.
- 2.46 “**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.
- 2.47 “**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.
- 2.48 “**Sign face**” means that portion of a sign upon which or through which the message of the sign is displayed.
- 2.49 “**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.
- 2.50 “**Street**” means any highway as defined in the Municipal Act, 2001.
- 2.51 “**Streetline**” means and is the property line between a lot and a street.
- 2.52 “**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, sale banner, and new development sign.
- 2.53 “**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.
- 2.54 “**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, logo signs and murads.
- 2.55 “**Window sign**” means a sign posted, painted, or affixed in or on a window exposed to public view, and shall include an interior sign that faces a window exposed to public view and located within 1 metre of a window.

## **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.

#### 3.4 **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 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 permit is required for the following types of **signs**:
- (a) Official **signs** or **signs** pertaining exclusively to public safety;
  - (b) Flags of corporations, nations, educational or religious organizations provided not more than three (3) flags are located at one (1) **premises**;
  - (c) A **poster** affixed to a **community bulletin board** in accordance with the provisions of this By-law;
  - (d) 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;
  - (e) 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;

- (f) **Information signs** not more than 0.4 square metres in **sign area**;
- (g) 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**;
- (h) 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;
- (i) **Directional sign** not more than 0.5 square metres in **sign area** and 1.2 metres in height;
- (j) An open house **directional sign**;
- (k) 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;
- (l) 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;
- (m) A garage sale **sign** or a **sign** advertising a lost pet;
- (n) Election **signs**.

### 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**.

“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.

3.6.2.1.2 In this part:

- (a) “**Approved Fixture**” means a fixture, in a location and of a construction approved by the Director of Municipal Works of the City, for erecting or installing a **banner**, attached to a pole or structure on public lands within the **Designated Area**.
- (b) “**Community Function**” means a performance, contest, sale or other similar event that is open, or is of interest, to the entire City of Niagara Falls.
- (c) “**NCCC Banner**” means a banner that complies with the regulations of this by-law and is 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.
- (d) “**Designated Area**” means the area designated on Schedule C for the erection of **NCCC Banners**.

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

- 3.6.2.1.4 Contractors erecting or installing **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** may be erected or installed on public lands.
- 3.6.2.1.7 An **NCCC Banner** shall be used solely for advertising or promoting events which relate to the NCCC or to a **Community Function**.
- 3.6.2.1.8 All other relevant provisions of this by-law shall apply to **NCCC Banners**.
- 3.6.2.1.9 Prior to the installation of any **banners**, the Operator of the Niagara Civic and Convention Centre shall consult with, and obtain approval from, the appropriate Business Improvement Association where the **Designated Area** intersects with a Business Improvement Area.
- 3.6.2.1.10 All other relevant provisions of this by-law shall apply to **NCCC banners**.
- 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 or installing banners, attached to a pole or structure on public lands 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 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.

(c) **“Community Function”** means a performance, content, sale or other similar event that impacts upon, or is of interest to, the entire City of Niagara Falls.

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

3.6.2.2.3 Contractors erecting or installing **BIA banners** shall comply with all applicable standards, rules and regulations of the City concerning or related to undertaking work in City streets.

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

3.6.2.2.5 An **NCCC Banner** may be erected or installed on public lands.

3.6.2.2.6 A **BIA Banner** shall be used solely for advertising or promoting any event which is related to the BIA or to a **Community Function**.

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.”

## 4.0 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, unsightly or dangerous.
- 4.4 No **sign** shall be located within 1.5 metres of an adjacent **lot**.
- 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 (d) and (e) 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**.

## II. SIGNS PERMITTED BY DISTRICT

### 5.0 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.

<b>Table 1 Sign Districts</b>				
<b>Column 1</b>		<b>Column 2</b>		
<b>Sign Type</b>		<b>Fallsview</b>	<b>Clifton Hill</b>	<b>Downtown</b>
<b>Ground Signs</b>	<b>Pylon Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	<b>General</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Wall Signs</b>	<b>Fascia Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Murad</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	<b>Awning Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Logo Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Roof Sign</b>		<b>No</b>	<b>Yes</b>	<b>No</b>
<b>Projecting Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

<b>Canopy Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Billboard</b>		<b>see section 11.0</b>		
<b>Portable Sign</b>		<b>No</b>	<b>No</b>	<b>Sandwich Board Signs - Yes</b>  <b>All other Portable Signs - No</b>
<b>Temporary Sign</b>		<b>No</b>	<b>No</b>	<b>No</b>
<b>Banner</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Electronic Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Projected Image Signs</b>	<b>Above Ground</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	<b>On Ground</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Readograph</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

<b>Table 2 Sign Districts</b>				
<b>Column 1</b>		<b>Column 2</b>		
<b>Sign Type</b>				
		<b>Lundy's Lane</b>	<b>Whirlpool</b>	<b>Chippawa</b>
<b>Ground Signs</b>	<b>Pylon Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	<b>General Ground</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Wall Signs</b>	<b>Fascia Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Murad</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Awning Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
	<b>Logo Sign</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

<b>Roof Sign</b>		<b>No</b>	<b>No</b>	<b>No</b>
<b>Projecting Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Canopy Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Billboard</b>		<b>see section 11.0</b>		
<b>Portable Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Temporary Sign</b>		<b>No</b>	<b>No</b>	<b>Yes</b>
<b>Banner</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
<b>Readograph Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Projected Image Signs</b>	<b>Above Ground</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
	<b>On Ground</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>
<b>Electronic Sign</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>

<b>Table 3 Sign Districts</b>			
<b>Column 1</b>		<b>Column 2</b>	
<b>Sign Type</b>		<b>Neighbourhood</b>	<b>Commercial/Industrial</b>
<b>Ground Signs</b>	<b>Pylon Sign</b>	<b>No</b>	<b>Yes</b>
	<b>General Ground</b>	<b>Yes</b>	<b>Yes</b>
<b>Wall Signs</b>	<b>Fascia Sign</b>	<b>Yes</b>	<b>Yes</b>
	<b>Murad</b>	<b>Yes</b>	<b>Yes</b>
	<b>Awning Sign</b>	<b>Yes</b>	<b>Yes</b>
	<b>Logo Sign</b>	<b>No</b>	<b>Yes</b>
<b>Roof Sign</b>		<b>No</b>	<b>No</b>
<b>Projecting Sign</b>		<b>Yes</b>	<b>Yes</b>
<b>Canopy Sign</b>		<b>Yes</b>	<b>Yes</b>
<b>Billboard</b>		<b>see section 11.0</b>	
<b>Portable Sign</b>		<b>Yes</b>	<b>Yes</b>
<b>Temporary Sign</b>		<b>No</b>	<b>Yes</b>

<b>Banner</b>		<b>No</b>	<b>Yes</b>
<b>Readograph Sign</b>		<b>No</b>	<b>Yes</b>
<b>Projected Image Signs</b>	<b>Above Ground</b>	<b>No</b>	<b>Yes</b>
	<b>On Ground</b>	<b>No</b>	<b>Yes</b>
<b>Electronic Sign</b>		<b>No</b>	<b>Yes</b>

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.

### III. THE REGULATIONS

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

#### **6.0 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.

<b>Table 4</b>		
<b>Maximum Area Ground Signs</b>		
<b>Lot Frontage</b>	<b>Sign Districts</b>	
	<b>Chippawa</b>	<b>All Other Sign Districts</b>
<b>23 meters or less</b>	-	<b>4.6 sq. m</b>
<b>23 meters to 30 meters</b>	-	<b>7.0 sq. m</b>
<b>Over 30 meters but less than 46 meters</b>	-	<b>9.3 sq. m</b>
<b>Over 46 meters</b>	-	<b>General Ground Signs : 18.6 sq. m</b> <b>Pylon Sign: 23.0 sq. m</b>
<b>All frontages</b>	<b>4.6 sq. m</b>	-

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 an minimum vertical clearance of 2.7 metres between the **grade** and the lowest part of the **sign face**.

## 7.0 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 0.15 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 a **premises** has a single occupancy no more than one (1) **fascia sign** shall be attached to each **building face**.
- 7.1.9 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.
- 7.1.10 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.

7.1.11 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 **Murads 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 An **awning sign** shall not contain integral illumination.

7.3.2 The maximum **sign area** of an **awning sign** shall be 25% of the **awning** to which it is applied.

7.3.3 The maximum length of an **awning sign** shall be 10 metres.

7.3.4 **Awning signs** shall not consist of three dimensional letters or graphics.

7.3.5 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.

## 8.0 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 and 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.

## 9.0 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**.

## 10.0 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.

## 11.0 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 **premises**, 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.

## **12.0 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**.

### 13.0 READOGRAPH SIGNS

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

- 13.1 A **readograph sign** may be incorporated into any **ground, fascia, or roof sign** permitted by this By-law in the **Sign Districts** listed in Table 5 below and is subject to the accompanying restrictions.

<b>Table 5 Readograph Sign Area</b>	
<b>Sign District</b>	<b>Maximum Area of Readograph</b>
<b>Fallsview District</b>	<b>50 % of maximum sign area</b>
<b>Clifton Hill District</b>	<b>100 % of maximum sign area</b>
<b>Lundy's Lane District</b>	<b>50 % of maximum sign area</b>
<b>Whirlpool District</b>	<b>15 % of maximum sign area</b>
<b>Commercial/Industrial Districts</b>	<b>15 % of maximum sign area</b>

- 13.2 The message or animation of an **electronic readograph 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 sign** on an existing **sign** of another type shall be considered the erection of a new **sign**.

#### **14.0 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 above 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 or building 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**.

## 15.0 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.

## 16.0 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 so as to obstruct or cover 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.

## 17.0 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.

#### **IV. VARIANCES AND AMENDMENTS**

##### **18.0 VARIANCES**

- 18.1 **Council** hereby delegates the authority to grant minor variances to this By-law to the Director of Planning and Development.
- 18.2 An application for variance from the provisions of this By-law shall be made to the Director of Planning and Development on the appropriate form and shall be accompanied by the fee prescribed by the **City**.
- 18.3 The Planning Department shall prepare a report for the consideration of the Director of Planning and Development, that provides for an assessment of the application, the reasons for the variance and a recommendation to the Director of Planning and Development.
- 18.4 The Director of Planning 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.
- 18.5 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.
- 18.6 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 and Development concerning the proposed variance.

- 18.7 The applicant shall post a **sign**, provided by the Director of Planning and Development, on 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 and Development concerning the proposed variance.
- 18.8 If the applicant does not correspond with the Director of Planning and Development, the Director of Planning and Development may proceed in the absence of the applicant and the applicant will not be entitled to further notice.
- 18.9 In the event that the applicant desires to submit additional information for the consideration of the Director of Planning 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
- 18.10 In considering an application for the variance, the Director of Planning and Development shall have regard for:
- (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.
- 18.11 The Director of Planning 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 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.

18.12 In the event that:

- (a) **Council** withdraws its delegation of authority with respect to a particular application; or
- (b) The Director of Planning and Development refuses to grant the minor variance and the applicant appeals the Director's refusal by following the procedure set out in sub-section 18.13 (a) below

the application will be dealt with as an amendment application with all necessary changes in detail.

18.13 In the event that the applicant elects to appeal the refusal of the Director of Planning and Development to grant a variance the following rules shall apply:

- (a) The applicant must deliver written notice of his intention to appeal to **Council** to the **City** in the prescribed form together with the prescribed fee within ten days of the date of the refusal appealed from.
- (b) 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 and Development with respect to the variance that has been refused is final.

## 19.0 AMENDMENTS

19.1 Where a proposed **sign** fails to meet any of the provisions of clauses (a), (b), (c) or (d) of section 18.11 of this By-law as determined by the Director of Planning 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 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 and Development to assess the application.

19.2 The Director of Planning 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**.

- 19.3 At least one (1) public meeting shall be held.
- 19.4 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.
- 19.5 The applicant shall post a **sign**, provided by the Planning and Development Department, on the property stating the date, time and location of the public meeting and a brief description of the requested amendment.
- 19.6 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.
- 19.7 In considering an application for an amendment, **Council** shall have regard for, with all necessary modification, clauses (a), (b), (c), and (d) of section 18.11 of this By-law.
- 19.8 **Council** may impose such conditions upon the granting of an amendment as it deems appropriate in the public interest.
- 19.9 **Council** may uphold, vary or refuse the recommendation of the Director of Planning 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.

“19.10           **Site Specific Provisions**

- 19.10.1           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.”
- 19.10.2           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 for third party advertising.”

## V. PENALTIES AND ENFORCEMENT

### 20.0 PENALTIES AND ENFORCEMENT

20.1 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 20.6 of this By-law.

20.2 Every **person** who contravenes any provision of this By-law or an order issued pursuant to section 20.6 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.

20.3 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.

20.4 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.

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

- 20.6 Where a **sign** erected on private property does not comply with this By-law or a permit issued under this By-law, the Director of Building and By-law Services 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.
- 20.7 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.
- 20.8 If the **owner** does not comply with an order given under this By-law within the time specified in the order, the Director of Building and By-law Services 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.
- 20.9 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.
- 20.10 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.
- 20.11 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 Director of Building and By-law Services or his designate, may have the **sign** removed and the property and building restored. For this purpose, the Director, his designate, or a contractor or other agent may enter upon the property and **premises** at any reasonable time.

20.12 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.

20.13 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**.

20.14 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**.

**21.0 CONFLICT**

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

**22.0 VALIDITY**

22.1 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.

**23.0 REPEAL**

23.1 By-law No. 6661, as amended is hereby repealed effective the date of the passing of this By-law.

By-law 2008-224 is hereby further amended by adding the attached map “Schedule C”.

(Original By-law was) Passed this fifteenth day of December, 2008.

.....  
DEAN IORFIDA, CITY CLERK

.....  
R. T. (TED) SALCI, MAYOR

First Reading: December 15, 2008

Second Reading: December 15, 2008

Third Reading: December 15, 2008



**SCHEDULE "B"**

**Community bulletin board locations:**

1. City Hall Square - 4300 Queen Street, Niagara Falls
2. MacBain Community Centre - 7150 Montrose Road, Niagara Falls
3. Niagara Falls Memorial Arena - 5145 Centre Street, Niagara Falls
4. Stamford/Jack Bell Arena - 6570 Frederica Street, Niagara Falls
5. Chippawa Willoughby Memorial Arena - 9000 Sodom Road, Niagara Falls
6. Oakes Park - 5700 Morrison Street, Niagara Falls
7. M.F. Ker Park - 3420 Sinnicks Avenue, Niagara Falls
8. E.E. Mitchelson Park - 3750 - 3800 Springdale Avenue, Niagara Falls

