

THE CORPORATION OF THE VILLAGE OF NEW DENVER
BYLAW NO. 582

A bylaw to regulate signs in the Village of New Denver

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WHEREAS Section 908 of the Local Government Act provides that, subject to the Highway Act and Section 135 of the Motor Vehicle Act, a local government may, by bylaw, regulate the number, size, type, form, appearance and location of any sign;

AND WHEREAS the Council considers it necessary and in the public interest to regulate signs in the Village of New Denver;

NOW THEREFORE the Council of the Village of New Denver, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the "Village of New Denver Sign Bylaw No. 582, 2004".
2. Interpretation

For the purpose of this Bylaw, unless the context otherwise requires, the following definitions shall apply:

"advertising sign" means a sign advertising a product, commodity or service for sale or on display on the property on which the sign is erected, or advertising that a certain business or event is carried on upon the property on which the sign is erected;

"area" in relation to a sign means the total surface area of a sign exclusive of framework and supporting structure and, in the case of a double-faced sign, means the area of one face only;

"awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework;

"Building Bylaw" means the Building Bylaw of the Village of New Denver;

"Building Inspector" means the person or persons authorized by Council to administer the Building Bylaw;

"canopy" means a permanent roof-like shelter extending from part or all of a building face, and constructed of one or more durable materials;

"Administrator" means the municipal administrator of the Village;

"community activity sign" means a sign indicating that a community activity is about to be, or is being, carried on;

"community information sign" means a sign, or a group of signs at a single location designated as a community information stop, providing information on attractions, services, and facilities available in the community and surrounding area, and including a community entrance or welcome sign;

"directional sign" means a sign which serves solely to designate the location or direction of any place or area;

"directory sign" means a sign listing religious activities, service club activities, and other similar community activities;

"fascia sign" means a sign displayed on the surface of a building;

"flashing sign" means a sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source;

"free standing sign" means a sign which is not connected in any way to a building, and is self-supporting;

"home occupation sign" means a sign identifying a use which is accessory to a residential use and permitted as a home occupation under the Zoning Bylaw;

"owner" means the registered owner of real property on which a sign is located, or the owner or lessee of a sign or his authorized agent;

"political sign" means a sign erected to promote voting at an election for a particular candidate or in support of, or opposition to, a particular party or issue;

"prohibition sign" means a sign indicating a prohibition or penalty respecting the property on which it is located;

"projecting sign" means a sign projecting at an angle from a building or structure and attached to the building or structure or to a canopy or awning;

"public building sign" means a sign located on the property of a public building, including a church, library or school, and indicating thereon only the name of the building and the activities pertaining to that building;

"real estate sign" means a sign indicating only that the property on which it is located is for sale or rent, or has been sold or rented;

"scenic route sign" means a standardized blue and white sign erected by the Ministry of Transportation and designed to aid motorists who wish to follow a designated scenic route;

"service and attraction sign" means a standardized white and blue sign erected by the Ministry of Transportation and designed to direct motorists to specific tourist service services, facilities and attractions;

"sign" means any visual representation or attention drawing device which communicates information or advertising for any purpose, displayed out of doors or on the exterior of a building but does not include a traffic control device;

"street" means and includes streets, roads, lanes, sidewalks, public squares, boulevards and rights-of-way open to the public;

"third party sign" means a sign

- a) whether on a billboard or other structure primarily intended for the display of advertising, or upon the exterior of a building, wall, fence, or other structure primarily intended for other purposes; and
- b) which advertises other than the occupants of the premises or the goods and services available on the premises on which the sign is displayed;

"tourist area sign" or "tourist region sign" means a sign erected to identify entry points into designated tourist areas or regions within the Province of British Columbia;

"Travel Info sign" or "Travel InfoCentre sign" means a sign indicating the location of information of interest to travelers or the location of a travel information centre which provides information to travelers, and includes advance warning signs for travel information or a travel information centre;

"Village" means the Village of New Denver;

"warning sign" means a sign erected by a public authority and indicating a danger or hazard;
and

"zone" means one of the zones into which the Village is divided under the Zoning Bylaw.

3. Application and Administration

- (1) The provisions of this Bylaw shall apply to the whole of the area within the boundaries of the Village.
- (2) No sign shall hereafter be erected, placed, altered or moved unless in conformity with this Bylaw.
- (3) Nothing in this Bylaw shall be interpreted as relieving any person from complying with the provisions of any other bylaw of the Village.
- (4) Notwithstanding anything herein to the contrary, where the Village has established a development permit area under Section 919.1 of the Local Government Act, any condition with respect to the type, size, or placement of signs which is included in a development permit issued under Section 920 of the Act shall apply in place of the requirements set out in this bylaw.
- (5) The Administrator or such other person as may be appointed by Council to administer this bylaw,
 - (a) shall keep records of applications received, permit fees paid, sign permits issued, and such other records as he may deem necessary in relation to this bylaw,
 - (b) shall issue permits when, to the best of his/her knowledge, the proposed sign complies with the requirements of this and any other applicable bylaws, and
 - (c) may revoke any permit where there is a violation of any condition under which the permit was issued, or a violation of this or any other relevant bylaw.
- (6) The Administrator or Building Inspector may
 - (a) enter, at all reasonable times, upon any property on which a sign is being, or has been, erected where the sign is subject to the provisions of this Bylaw, and
 - (b) direct the immediate cessation or correction of all or any portion of the work relating to the erection or placement of a sign whenever such work is to the best of his/her knowledge not in conformance with the provisions of this Bylaw.

4. Exemptions

- (1) The following signs are exempt from the provisions of this bylaw:
 - (a) signs painted on an awning;
 - (b) signs displayed within a building or structure;
 - (c) signs owned or leased by the Village for municipal purposes;
 - (d) traffic control signs as defined in the Motor Vehicle Act;
 - (e) signs required to be posted and maintained by any municipal bylaw or Federal or Provincial statute or regulation;
 - (f) signs relating to construction which are located on the land on which the construction is currently being carried on;
 - (g) real estate signs with a copy area not exceeding 1.0 square metre;
 - (h) third party signs on benches located on public lands where the design and location of the bench has been approved by the Village, and where the sign is displayed on the face of the backrest of the bench only and does not exceed 2.5 metres in length or 0.7 metres in height;
 - (i) memorial plaques, cornerstones, historical tablets, and similar signs;
 - (j) on-site directional signs, not exceeding 1.0 square metre in area, intended to facilitate the movement of pedestrians and vehicles on the property on which such signs are located;
 - (k) emblems or insignia of any nation, a province or territory of Canada, or of any political, civic, philanthropic, cultural, educational or religious organization;
 - (l) house numbers and name plates not exceeding 0.2 square metres in area for each dwelling unit;
 - (m) signs not exceeding 1.0 square metre advertising yard sales or garage sales in the municipality.

5. Prohibitions

- (1) Except as provided elsewhere in this Bylaw, the following is prohibited:
 - (a) signs located on a roof of a building;
 - (b) signs in residential zones as prohibited in the Zoning Bylaw;
 - (c) signs erected on or over a highway or Village owned property, where such signs are not erected by or on behalf of the Village;
- (2) No person shall post or exhibit placards, playbills, advertising signs, writings or pictures on walls, fences, electric power or telephone poles, street light standards, or on any other similar structures on or adjacent to a highway.

- (3) No sign shall be erected that in the opinion of the Administrator would interfere with the safe and efficient movement of vehicular or pedestrian traffic or the visibility of any traffic control device.
- (4) No third party signs shall be permitted except where the design and location has been approved in advance by Council resolution.

7. General Requirements

(1) The signs described herein shall conform to the requirements set out in the following table.

Sign	Maximum area in square metres	Permitted Zones	Permitted Type
Advertising	10.0	Commercial Industrial	Fascia, free standing or projecting
Community activity	0.6	All zones	Fascia or free standing
Community information	None	All zones	Free standing
Directional	0.4	All zones	Free standing
Directory	6.0	All zones	Free standing
Home Occupation	0.2	Residential	Fascia or free standing
Home identification	0.1	Residential	Fascia or free standing
Political	6.0	Residential Commercial Industrial	Fascia or free standing
Prohibition	0.6	All zones	Facia or free standing
Public building	2.0	All zones	Facia or free standing
Real Estate	3.0	All zones	Facia or free standing
Scenic Route	None	All zones	Free standing
Service & attraction	None	All zones	Free standing
Tourist area/region	None	All zones	Free standing
Travel Info/InfoCentre	None	All zones	Free standing
Warning	None	All zones	Fascia, free standing projecting

- (2) No person shall erect any of the following signs without first obtaining a sign permit pursuant to this bylaw:
 - (a) projecting signs exceeding 0.2 square metres in area;
 - (b) facia signs or free standing signs exceeding 3.0 square metres in area; and
 - (c) internally illuminated signs.
- (3) No person shall erect more than three (3) advertising signs.
- (4) No person shall erect more than three (3) directional signs.
- (5) Notwithstanding subsection (2), where a sign permitted by this bylaw constitutes a structure requiring a permit under the Building Bylaw, a sign permit shall not be required in addition to the building permit.
- (6) Projecting signs shall not extend beyond the property line except in a commercial zone where an overhang not exceeding 1.0 metres is permitted onto a street, providing the projection is structurally sound, the overhang has a minimum vertical clearance of 2.6 metres from the adjacent street level, and the sign is not higher than the roof line of the building or structure to which it is attached.

Facia signs shall not overhang more than 0.3 metres onto a street.

Free standing signs shall not exceed a height of 7.0 metres from the adjacent ground level.
- (9) Political signs shall not be located on any highway or other public lands, shall not be erected more than 45 days prior to the election to which they relate, and shall be removed within 7 days after the election. The organization or candidate on behalf of whom such signs have been erected shall be responsible for their removal.
- (10) Signs and sign structures shall be designed and constructed as provided for in this Bylaw and in the Building Bylaw to resist wind and seismic and dead loads.
- (11) Illuminated signs shall be connected to an electrical circuit on the premises on which the signs are located and all electrical installations shall be approved by the Electrical Safety Branch of the Province of British Columbia.
- (12) Canopy Signs:
 - (a) A sign attached to the underside of a canopy, roof overhang, or similar structure shall have a minimum vertical clearance of 2.6 metres from the adjacent street level.
 - (b) A sign affixed to a canopy face shall not extend beyond the horizontal or vertical face of the canopy, and shall not project more than 0.3 metres from the said face.
- (13) Facia signs attached to a building wall shall not extend beyond the horizontal or vertical face of the wall, and shall not project more than 0.3 metres from the said wall.

8. Responsibilities of Owners

- (1) No owner or other person shall commence the installation nor authorize or permit the installation, of a sign unless any permit required by this bylaw or the Building Bylaw has first been obtained.
- (2) Every owner shall ensure the removal of any sign erected on his property when the purpose of the sign or the message thereon is no longer applicable.
- (3) Every owner shall ensure that all signs erected on his property are constructed and maintained in a safe and secure manner to avoid the risk of injury to any person or damage to any property.
- (4) Neither the granting of a sign permit nor the acceptance of plans and specifications, or any inspection which may be made by the Building Inspector, shall relieve the owner from responsibility for fully complying with the requirements of this Bylaw, the Building Bylaw if applicable, and any conditions attached to the sign permit.

9. Application for Sign Permit

- (1) An application for a sign permit shall be completed on the form attached hereto as Schedule A and forming a part of this Bylaw, and shall be accompanied by a permit fee of \$10.00.
- (2) In addition to the information on the application form and any requirements of the Building Bylaw, the applicant shall provide a sketch plan of the proposed sign including the text or other material to be included in the sign message.

10. Sign Permits

- (1) Where the Administrator is satisfied that an application for a sign permit and the proposed sign complies with the requirements of this Bylaw and any other applicable bylaw and the permit fee has been paid, the clerk shall issue a sign permit in the form prescribed in Schedule A.
- (2) A sign permit is void if construction of the sign is not completed within 6 months of the date on which the permit was issued.

11. Removal of Signs

- (1) Council may, in accordance with Section 65 of the Community Charter, by resolution direct and order the removal of a sign which the Council believes to be a nuisance to the community, and the order may provide that, in case of default by owner, agent, lessee or occupier to comply with the order within the period named in it, the Village may enter and remove the sign at the expense of the person defaulting, and may further order that the charges for doing so, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on the land as taxes in arrears.
- (2) Council may, in accordance with Section 65 of the Community Charter, by resolution authorize the removal of a sign which contravenes this bylaw, or which Council believes is in an unsafe condition, and such resolution shall provide for 30 days' notice of the contemplated action to be given the owner, tenant or occupier of the property on which the sign is located.

- (3) Council may, without notice to the owner of such sign, by resolution authorize the removal of a sign located on a highway within the jurisdiction of the Village, or on any public land owned by the Village, where Council believes such sign is so dilapidated as to be offensive or where Council believes the sign is in an unsafe condition.

12. Offences and Penalties

- (1) Notwithstanding any other remedy provided for herein every person who
- (a) violates any provision of this Bylaw, or
 - (b) causes, suffers, or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or
 - (c) neglects or refrains from doing anything required to be done by any provision of this Bylaw, or
 - (d) fails to comply with any order, directive or notice given under this Bylaw, is guilty of an offence under this Bylaw and, upon summary conviction, is liable to a fine of not more than \$250.00 or to both fine and imprisonment.
13. This bylaw shall come into full force and effect upon its adoption.
14. Bylaw No. 396, 1992, cited as "Sign Bylaw No. 396, 1992" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 14th day of December, 2004.

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RECONSIDERED AND FINALLY ADOPTED this 17th day of December, 2004.

G. L. Wright
MAYOR

Carol Gordon
ADMINISTRATOR

SCHEDULE A

1. Name of applicant: _____ Phone: _____
Mailing address: _____

2. Location of sign (street address or description):

3. Type of sign: Projecting (____) Facia (____)
Free Standing (____) Illuminated (____)

4. Area of sign in square meters _____

5. Sign will project: _____ meters beyond building face.
_____ meters beyond property line.

6. Vertical clearance from bottom of sign to street level will be _____ meters.

7. Height of free standing sign: _____ meters.

Date: _____

Signature of Applicant

SKETCH PLAN OF PROPOSED SIGN (including the text or other material to be included in the sign message)

(For Village use only below this line)

SIGN PERMIT

This permit is issued on the basis of the information provided in the application and accompanying sketch plan, and on the condition that the proposed sign will comply with all requirements of the Sign Bylaw and any applicable requirement of the Building Bylaw.

Receipt of the \$10.00 permit fee is acknowledged, and this permit is issued on _____

_____, 20____.

Administrator