

CAMPBELL RIVER INDIAN BAND

BY-LAW NO. 1996-9

**A BY-LAW TO REGULATE SIGNS UNDER THE AUTHORITY OF SECTION 81.1(A)
OF THE *INDIAN ACT*.**

WHEREAS:

A. The Band Council wishes to develop a shopping centre, residential condominiums, office facilities and other commercial developments on the following lands within Campbell River Indian Reserve No. 11:

Lot 132
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 77828

Lot 134
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 77343

Lot 136
Campbell River Indian Reserve No. 11
Sayward District
CLSR Plan 78317

("Reserve Commercial Lands") and on adjacent non-reserve lands, the registered owner of which is Discovery Harbour Holdings Ltd., a corporation whose shares are owned entirely by members of the Band.

B. The Band Council wishes to ensure, to the extent possible, that the municipal services will be available within the Reserve Commercial Lands to the level and standard that such services are available to non-reserve lands adjacent to the Reserve Commercial Lands.

NOW THEREFORE, the Band Council enacts as follows:

PART 1. This By-law may be cited for all purposes as the "**Sign By-Law No. 1996-9**".

PART 2. In this By-Law, unless the context otherwise requires:

"Awning Sign" means a non-illuminated identification sign painted or affixed flat to the surface of an awning which does not extend vertically or horizontally beyond the limits of such awning.

- "Background Area"** means the entire area of a sign on which copy can be placed.
- "Band"** means the Campbell River Indian Band.
- "Band Council"** means the Council of the Band.
- "Building"** means any structure used or intended for supporting or sheltering any use or occupancy.
- "Canopy Sign"** means a sign attached to or constructed in or on the face of a canopy.
- "Changeable Copy Sign"** means a sign on which copy can be changed electronically or manually through the use of attachable letter, numerals and pictorial panels.
- "Clearance"** means the vertical distance between the lowest limit of a sign and finished grade immediately below.
- "Copy Area"** means the entire area within a single square or rectangle or a combination of squares or rectangles which enclose the extreme limits of the advertising message or announcement. Decorations related to the specific nature of the advertising message or announcement shall be included.
- "Corner Site"** means and includes a site at the intersection or junction of two or more streets.
- "Community Activity"** means a non-commercial activity of a temporary nature open to the general public.
- "Directional Sign"** means a sign indicating the direction only of a public service or event and shall be in the form established by the Council for Uniform Traffic Control Services for Canada.
- "Display"** means the construction, erection, installation, addition, repair, alteration or relation of a sign.
- "District"** means the District of Campbell River.
- "Electrical Sign"** means a sign containing electrical wiring which is attached or intended to be attached to electrical wiring which is attached or intended to be attached to an electrical energy source.

"Facia Sign"	means a sign attached to, mark or inscribed on, or erected on, or placed against a wall of a building and having the exposed face thereof on a plan approximately parallel to the plane of such wall.
"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 or animation of an externally mounted light source, but does not include an electronically changing sign or automatic changing sign, such as public service theme, or temperature and date sign, or electronically controlled message centre.
"Freestanding Sign"	means any sign, supported independently of an separated from a building or other structure and permanently fixed to the ground.
"Frontage"	means the length of the property line parallel to and along each legally accessible public street, excluding a lane that it borders, or the width of the business premise accessible to the public.
"Face of a Sign"	means a side where copy may be placed.
"Grade"	means the average ground surface elevation at the sign location, as determined by the inspector.
"Height of a Sign"	means the vertical distance measured from the highest point of the sign to the average grade elevation.
"Identification Sign"	means a sign which is limited to the name, address and number of a building, institution or person, and to the activity carried on in the building or institution, or the occupancy of the person.
"Illuminated Sign (Internally Illuminated)"	means any sign which emits light internally from within its structure.
"Illuminated Sign (Indirectly or Externally Illuminated)"	means any sign which reflects light from a source intentionally directed upon it.
"Inspector"	means the Building Inspector of the District or designated representative.
"Marquee Sign"	means and includes every sign suspended from a canopy and entirely under such canopy.

- "Owner"** means any person, corporation or agent controlling the premise on which a sign is located.
- "Portable Sign"** means any sign not permanently attached to the ground or to a building but does not include Real Estate signs.
- "Premises"** means an area of land with its appurtenances and with or without buildings which, because of its unity of use, may be regarded as the smallest conveyable unit.
- "Projecting Sign"** means any sign other than a canopy or fascia sign which is attached to and projects from a structure or a building face or wall.
- "Roof"** means the top enclosure of any building.
- "Roof Line"** means the line made by the intersection of the wall of the building with the roof of the building at or near the face of the building.
- "Rotating Sign"** means any sign or portion of a sign which moves in a revolving or similar manner.
- "Sign"** means, without restricting the generality of the terms, any structure, natural object or thing or part thereof or device attached thereto or painted or represented thereon, including a billboard which is used as, or which is in the nature of, an announcement, direction, or advertisement, or which is used to attract the attention of the public to any object, product, place, activity, person, institution, organization or business, and which is placed so as to be seen by the generally public, but excludes any display or placard placed inside a window.
- "Signable Area"** of a fascia sign means the space between the lower and upper limits on the face of a building as defined below:
- (a) the lower limit shall be the lintel or window head of the first storey or nine feet from the finished grade immediately below whichever is the lower;
 - (b) the upper limit shall be the window sill of the floor immediately above the lower limit and in the absence of a window two and one-half feet above such floor;
 - (c) in the case of a one-storey building, the upper limit shall be the roof line or three feet maximum above the roof line if there is a parapet.

- "Sign Area"** means the actual area of a sign on which copy could be placed, including any frame or embellishment which forms an integral part of the display. In the case of a double face or a multi-face sign, only half of the total area of all sign faces will be counted in sign area calculation unless otherwise stated in this By-Law. The area of individual letter signs shall be calculated on the basis of the smallest square or rectangles that will enclose the individual letters or figures of the sign.
- "Third Party Advertising"** means content on a sign which directs attention to products sold or services provided which cannot be considered as the principal product sold or principal services provided on the premises at which the sign is located.
- "Third Party Sign"** means a sign which directs attention to a business commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the sign is located.
- "Window Sign"** means any sign either painted on or attached to or installed inside a window for purpose of viewing from outside the premises. This term does not include merchandise located in a window.

PART 3. GENERAL PROVISIONS

3.1 Sign on Public Right-Of-Way

No sign shall be displayed on or over any public right-of-way without the permission of the Inspector, or, where applicable, the District Engineer of the Ministry of Transportation and Highways.

3.2 Signs Along The Highway

No sign requiring a permit visible from Highway No. 19 (Island Highway) shall be displayed within 500 feet from the boundary of the rights-of-way of said highways unless the sign is located upon the parcel of land on which the products or premises advertised thereby are located, sold, assembled or manufactured, or the sign is a Directional Sign.

3.3 Sign, Lighting and Movement

No sign shall be displayed unless it conforms in all respects to the requirements and provisions of Section 19A of the "Highway Act", Chapter 172, R.S.B.C. 1960, as amended.

3.4 Alteration

Any sign may be altered, rebuilt, enlarged, extended or relocated provided that every such change shall be in compliance with the stipulations of this By-Law and that a Permit has been obtained accordingly.

3.5 Sign on Property

No sign shall be displayed except on the Premises occupied by the matter which such sign is intended to advertise, identify, give information on or attract attention to, except signs that are specifically exempted from this regulation by this Section or by Part 4 of this By-Law.

3.6 Third Party Signs

Third Party Signs and Advertising on non-third party signs shall not exceed 30 percent of the copy area.

3.7 Interference with Traffic Lights and Visibility

If, in the opinion of the Inspector, there is any likelihood of a sign interfering or otherwise obstructing traffic control devices, or in any interference with visibility on a street, the Inspector shall refuse the Permit, or order the sign to be taken down.

3.8 Maintenance

All signs shall be maintained on a continual basis so that at no time is there any danger from structural members, fixtures, lighting or appurtenances. All sign area, background, copy, lighting and embellishments shall be maintained in readable, clean and/or painted condition. This act of normal maintenance does not require a permit.

3.9 Obstruction to Building or Passage

All signs shall be displayed in such a manner as to not obstruct windows, door openings, passageways, fire escapes, walkways and similar features.

3.10 Prohibited Signs

Unless otherwise specifically permitted by this By-law, no sign shall be displayed anywhere within the Reserve Commercial Lands, which:

- (a) is greater than 100 square feet in total sign area, except for fascia signs which shall not be greater than 200 square feet;

- (b) Is equipped with flashing, oscillating or moving lights or beacons;
- (c) is a portable sign, other than those signs specifically exempted from the requirement of a permit under Part 4 of this By-Law, and which any sign or advertising device attached to or otherwise placed on any vehicle or structure capable of being moved, irrespective of whether or not the same may be moved on wheels or skids; and which may be placed on any public right-of-way, public property, or upon privately owned property, so as to be visible from any public highway. Nothing herein contained shall apply to any sign placed on any public vehicle or bus providing transportation for the public or to any motor vehicle where the sign thereon indicates the ownership of said vehicle or the business carried on by the said owner thereof.
- (d) is a sign or poster placed on the wall of any building or structure, post, pole, fence, tree, or is otherwise placed or displayed where the same is visible from any public way or highway;
- (e) is a canvas sign, pennant, bunting, or banner sign, except such regalia put up to celebrate a community activity.
- (f) is a roof top sign.

3.11 Illumination of Signs

- (a) Where signs may be illuminated, as stated in this By-Law, they may be “internally” illuminated.
- (b) Only the following signs may be directly or externally illuminated:
 - (i) Community activity sign;
 - (ii) Temporary signs;
 - (iii) Directory signs.

PART 4. SIGNS NOT REQUIRING A PERMIT

4.1 Directional Sign

Not more than two directional signs shall be permitted for each premise.

4.2 Community Activity Sign

May be displayed for a period not exceeding 30 days, may have two faces back to back, and shall not exceed 32 square feet or area or one face. Top of the sign shall be no more than

seven feet above grade. No more than one such sign shall be permitted on any one Premises. The sign may be lighted.

4.3 Temporary Sign

Not more than two temporary signs may be displayed on any one site. They each may be up to 32 square feet in area per face, no sign having more than two faces. Such signs shall be removed within one month following the project or event. Temporary signs shall be defined by the Inspector and shall be of the nature of a "construction project sign".

4.4 Identification Sign

No more than one identification sign shall be permitted on each site. This sign shall be limited to the name, address and number of a building, institution or person, and to the activity carried on in the building or institution, or occupancy of the person. This sign does not require a permit provided that it meets the provisions of Part 3 and is not a sign as defined in Part 5 of this By-Law.

4.5 Political Campaign Sign

Political campaign signs shall be permitted provided that no such sign shall be erected prior to an election writ being issued or 30 days before the date of a referendum and shall be removed not later than seven days following the date of the election or referendum. Such signs may have up to four faces. No single side shall be more than 32 square feet in area and the height shall not be more than seven feet above grade.

4.6 Prohibition Sign

A prohibition sign shall not exceed 12 square feet in area, shall be one-sided only and the height not more than seven feet above grade. A prohibition sign may be lighted.

4.7 Real Estate Signs

For residential zones not more than two real estate signs may be displayed on any one premise. The signs may have faces, shall be no more than four feet in height and shall not be illuminated. Real estate signs may have a sign area per face of no more than eight square feet.

For non-residential zones, real estate signs are limited as in residential zones, except that each sign face may have an area of no more than 32 square feet and the height shall not exceed seven feet from grade.

4.8 Special Purpose Signs

Special purpose signs are permanent signs, however, do not carry an advertising message in the usual commercial context. These signs are not temporary in nature. Special purpose signs include directory signs for organizations which shall be permitted on premises occupied by a religious, community, service club or similar organization. Such sign shall not exceed 16 square feet in area for one site and may have two faces back to back. These signs shall not be more than seven feet above grade. These signs shall not be lighted.

Notwithstanding the above, the Band Council may permit public information signs, not exceeding 10 feet in height or 100 square feet in area, on public rights-of-way.

4.9 Home Occupation Sign

One home occupation sign may be permitted on the property where such activity has been approved. Such sign shall not be lighted and shall have one face only. The sign area shall not exceed two square feet.

4.10 Sandwich Board Signs

No more than one sandwich board sign shall be permitted for each business. Such signs shall be restricted to the lot on which the business is located and shall not exceed six square feet per face or 12 square feet in total. The height shall not be more than three feet above grade. Such signs shall be constructed of plastic, metal, plywood or dimension lumber and shall be painted or stained in a workmanlike manner with all lettering to be stencilled or the equivalent.

PART 5. SIGNS REQUIRING A PERMIT

5.1 Freestanding Sign

(a) Sign Area

For any commercial or industrial premises in excess of 49 feet frontage, one free-standing sign shall be permitted of a height not exceeding 25 feet. The sign area shall not exceed the sum of .75 square feet per lineal foot of frontage, but in any event, shall not exceed 100 square feet.

Notwithstanding the above, a maximum of two free-standing signs shall be permitted on lots having a frontage in excess of 100 feet provided that the signs are separated by at least 100 feet and that the total square footage of both signs shall not exceed 100 square feet except in the case of shopping centre sites in excess of 10 acres which shall be permitted a maximum sign area of 150 square feet.

5.3 **Facia Sign**

(a) **Size**

Facia signs shall be permitted for each interior wall of a building. The maximum area of all facia signs shall not exceed 600 square feet.

(b) **Projection**

A facia sign shall not project beyond 15 inches from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above such sign.

(c) **Illumination**

Facia signs may be illuminated.

5.4 **Mansard Roof**

A sign may be attached to the face of, or locate on the sloping roof of a mansard roof in lieu of a facia sign, but shall be located so that the top of the sign will not extend beyond the top of the mansard roof, and shall meet all the regulations with regards to a facia sign.

5.5 **Canopy Sign**

(a) **Location**

- (i) Canopy signs shall be directly attached to the apron of the canopy and shall have a height clearance of not less than nine feet above grade.
- (ii) Canopy signs shall not project over public right-of-way.
- (iii) Canopy signs shall be continuous and of an equal height.

5.6 **Marquee Sign**

(a) **Vertical Dimension**

The maximum vertical dimensions of a marquee sign shall be 12 inches and shall not exceed four square feet of area.

(b) **Clearance**

A marquee sign shall have a clearance of at least nine feet above grade.

5.7 Awning Sign

An Awning Sign shall be permitted.

5.8 Balloon Sign

A balloon sign shall be permitted twice a year, for one month each, for each Premises. More than one balloon may be permitted provided that they are secured by a single anchor.

PART 6. Application and Permits

6.1 Permits Required

No sign shall be displayed within the Reserve Commercial Lands, except those exempted under Part 4 of this By-Law, unless an application has been made in writing to the Inspector and a permit for such purpose has been obtained.

6.2 Information Required for Permit Application

Every applicant for a Permit pursuant to this By-Law may be requested to provide the following information:

- (a) the legal description and civic address of the premise, building, or structure upon or to which the sign is, or is to be displayed or attached;
- (b) the sign manufacturer's name and address;
- (c) the customer's name and address;
- (d) the sign area and a drawing to scale, giving the dimensions of the sign, and the supporting structure;
- (e) the maximum height and clearance of the sign;
- (f) the dimensions of the wall surface of the building to which it is to be attached;
- (g) the proposed location of the sign in relation to the property lines and the dimensions of the building and/or the premise upon which it is to be situated;

- (h) detailed scale drawings of the sign including copy and colours to be used;
- (i) structural, footing details, and material specifications for proposed sign.

6.3 Fee for Permit

An Application for Sign Permit shall be in the form attached hereto as Schedule "A" and be accompanied by a \$20 application fee.

6.4 Issuance of Permits

The Inspector shall issue a Permit if, in his opinion, the application complies with the provisions of "Campbell River Indian Band Zoning By-Law." Such Permit shall expire if active work is not commenced within a period of six months from the date of issuance of the Permit.

- (a) The Inspector may refuse a Permit for any sign:
 - (i) if the display of such sign is contrary to the use permitted by "Campbell River Indian Band Zoning By-Law" as amended from time to time, within the zone, in which said sign is to be displayed;
 - (ii) if the building or structure to which the same is, or is to be attached, is incapable of supporting same;
 - (iii) if the information submitted regarding the construction of the said building or structure is insufficient to enable him adequately to determine the capability of such building or structure to give such support;
 - (iv) if in his opinion such sign would be unsightly, grotesque, offensive in character, an appeal from a decision of the Inspector shall be to the Band Council.
- (b) The Inspector may require, as a condition of the issuance of any Permit, that all drawings and specifications, or any part thereof, be prepared and sealed by, and the construction carried out under the supervision of a Professional Engineer registered in the Province of British Columbia, and may refuse to issue a Permit until he is provided with a letter signed by a Professional Engineer registered in the Province of British Columbia, undertaking to supervise the work authorized by such Permit or any part thereof.
- (c) The issuance of a Sign Permit by the Inspector does not supersede the approval by the Provincial Electrical Inspector in respect to the installation of electrical signs.

PART 7. SIGN CONSTRUCTION

7.1 General

Signs and sign structures shall be designed and constructed as herein provided and in accordance with Part IV of the National Building Code of Canada 1970, to resist wind, seismic and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.

7.2 Approved Combustible Plastic

- (a) All approved plastic material and the fastenings thereof shall be of adequate strength and durability to withstand design loads prescribed in this By-Law. The Inspector may require that sufficient and substantial technical data be submitted by the manufacturer for such material or by a testing agency approved by the Inspector to establish working stresses, maximum unsupported spans, and such other information as may be required for the various thickness and forms used.
- (b) Allowance shall be made for expansion and contraction of plastic materials in accordance with accepted data on co-efficient of expansion of the material and any material with which it is employed.

7.3 Other Combustible Material

Wood, leather or other similar combustible material (excepting approved combustible plastic) may be used as part of a sign providing:

- (a) its area on one face is not greater than eight square feet;
- (b) it is attached to a metal frame capable of sustaining all loads borne by the sign.

7.4 Anchorage

- (a) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
- (b) Signs shall not be fastened by nails, staples or screws to wooden blocks, plugs or nailing strips built into masonry concrete.

- (c) Bolts or lag screws shall not be fastened to window frames or sills. Lag bolts in solid woodwork shall not be less than one-half inch in diameter, and shall penetrate the woodwork at least three inches.
- (d) All cables one-half inch in diameter and over shall be provided with suitable sleeves; and two cable clips shall be provided for each cable, and securely clamped to the sleeves.
- (e) Turn-buckles shall be provided for all supporting cables. Side guys may have a turn-buckle for one side of any sign. Turn-buckles shall have a breaking strength equivalent to that of the cable to which they are attached.

7.5 Corrosion

All cables, turn-buckles, links, bolts and screws and all devices which are used to support or which form a part of sign, shall be non-corrosive or be protected otherwise in an approved manner such as galvanizing.

7.6 Facia Signs

Unilluminated facia signs shall be of metal or other non-combustible material or of approved combustible plastic as defined in this By-Law. Wood may be permitted for a facia sign provided it is not less than 3/4 of an inch thick if it is of plywood, and one inch nominal thickness if it is of solid wood. The maximum area of a wood facia sign shall not exceed 100 square feet.

7.7 Free Standing Signs

The foundation of free standing signs shall be of masonry or concrete.

7.8 Canopy Signs

Unilluminated canopy signs built into or fastened directly to each canopy face or affixed on top thereof shall be constructed of non-combustible material or approved combustible plastic as defined in this By-Law.

PART 8. LIABILITY FOR DAMAGE

The provisions of this By-Law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign or display for personal injury or property damage resulting from the placing of such sign, or resulting from the negligence or willful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor can it be construed as imposing upon

the Band or Band Council or its officers, employees, agents or contractors, any responsibility or liability by reason of the approval of any signs, materials or devices under provision of this By-Law.

9. REPAIR OR REMOVAL OF SIGNS

9.1 Removal of Abandoned Signs

When a sign no longer correctly directs or attempts to induce any person, advertises a bona fide business, lessor, owner, product or activity conducted, the owner shall remove the sign within 14 days from the date of the receipt of notice of such removal from the Inspector.

9.2 Defective or Unsafe Signs

In the event that any sign is permitted to become unsafe or defective, the Inspector may give written notice to the owner of such sign, to repair or remove the sign within a period of 14 days. It shall be the duty of such owner to repair or remove such sign in accordance with the notice. If this notice is not complied with within the stated period, or if the owner of the sign cannot be located, the Inspector may have the offending sign removed and the costs incurred by the Band or Band Council in doing so may be recovered by the Band or Band Council from the owner of the land on which the sign is displayed.

PART 10. PENALTY

Except as otherwise provided in this By-Law, any person who violates any provision of this By-Law or who suffers or permits any act or thing to be done in contravention of the By-Law or who refuses or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-Law shall be liable on summary conviction to a fine not exceeding \$1,000 and not less than the amount set out with respect to each section in Schedule "A" attached to and forming part of this By-Law. For each day that a violation is permitted to exist, it shall constitute a separate offence.

PART 11. SEVERABILITY

11.1 If any section, subsection, sentence, clause or phrase of this By-Law is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-Law.

11.2 This By-Law shall come into force and effect on and after the date of final passing thereof.

PART 12. APPOINTMENT

The Band Council shall have the right and be authorized to appoint the District and any person appointed or engaged by the District to administer this By-Law and to carry out all the functions of the Band Council under this By-Law including, without limitation, the power to issue permits,

authorizations, notices or certificates which the Band Council is empowered to issue under this By-Law and the power to enforce this By-Law. Permits, authorizations, notices and certificates issued by the District or any person appointed or engaged by the District in accordance with this By-law and the Band Council's appointment of the District or such person shall be considered to have the same force and effect as if issued by the Band Council.

PART 13. This By-Law may be amended by Band Council Resolution.

PART 14. This By-Law is hereby enacted by the Band Council at a duly convened meeting of the Band Council this 6 day of September, 1996.

Voting in favor of the By-Law are the following members of the Band Council:

J. Anderson

Robert Bell

Gerald Belants

Boeg Trach

being the majority of those members of the Band Council present at the aforesaid meeting of the Council.

I, JOHN PATRICK HENDERSON, Chief of the Campbell River Indian Band, do hereby certify that a true copy of the foregoing By-Law was forwarded to the Minister of Indian and Northern Affairs pursuant to subsection 82.(1) of the *Indian Act*, the 6 day of September, 1996.

J. Henderson
John Patrick Henderson

SCHEDULE "A"

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
No sign permit	6.01	100.00