



# **GARDEN RIVER FIRST NATION SIGN BY LAW**

**Economic Resource & Community Development**

## PREAMBLE

1. Whereas the Chief and Council of Garden River First Nation has inherent jurisdiction to provide for the safety of its members, and
2. And whereas the Chief and Council of Garden River First Nation has the authority under the *Indian Act* to enact by-laws for the regulation of traffic on Garden River First Nation Lands, the prevention of disorderly conduct and nuisances, the observance of law and order, and with respect to any matter arising out of or ancillary to the exercise of powers under s 81 of the *Indian Act*.
3. And whereas the Garden River First Nation wishes to promote entrepreneurship while ensuring all members of Garden River First Nation are able to enjoy the Garden River First Nation Lands.
4. Therefore, the Council of Garden River First Nation enacts the following by-law providing for the regulation of signage on Garden River First Nation Lands.

## PART ONE – INTERPRETATION

### 1. CITATION

This policy may be cited as *Garden River First Nation Sign Regulation, 2021*.

### 2. DEFINITIONS

- “**animated**” means depicting action or continuous motion by means other than flashing lights;
- “**banner**” means a temporary sign comprised of fabric, plastic, or simulated cloth material (*other than an awning*);
- “**billboard**” means an exterior sign used for advertising a product, service, or cause not sold or provided on the site where the sign is located;
- “**changeable copy sign**” means any sign on which copy can be changed electronically or through the use of attached characters and includes any sign which features automatic switching, but does not include an animated sign;

- **“clearance”** means the vertical distance between the lowest limit of a sign and the grade directly below the sign;
- **“copy”** means the message, characters, or symbols communicating a message on a sign, including decorations forming a part of the sign;
- **“development sign”** means a sign indicating construction, demolition or rezoning, proposed or in progress, or indicating a development opening, but does not include a public interest sign referred to in Section 3(2);
- **“fascia sign”** means a surface sign, permanently affixed or painted, parallel to the face or wall of a building, roof, canopy, or awning, and which does not project more than 0.5m beyond the building, wall or roof surface;
- **“flashing sign”** means an illuminated sign, other than a changeable copy sign, which contains blinking lights or exhibits noticeable changes in light intensity;
- **“freestanding sign”** means a sign permanently supported from the ground by a structure detached from or independent of a building, and which includes a free-flying flag;
- **“grade”** means the finished level of road surface, sidewalk surface, or ground directly below a sign or structure;
- **“height”** means the vertical distance from the average finished ground level at the perimeter of a building or structure of which a sign forms a part of from the elevation of a sidewalk under a sign, to the top of a sign;
- **“highway”** includes a street, road, lane, bridge, and any other way open to public use but does not include a private right-of-way on private property;
- **“highway frontage”** means the length of the common boundary shared by the front lot line of a lot and a highway adjacent to that lot;
- **“illuminated sign”** includes either internally or externally lighted signs, signs with reflective coatings, and glowing or radiating signs where a light source is used to increase copy legibility;
- **“indirect illumination”** means illumination which reflects light from a source intentionally directed upon a sign, or an externally illuminated sign;
- **“sign”** means a device or fixture for visually communicating information;
- **“sign area”** means the total area within the outer edge or borders of a sign; where the sign has no frame, border or background, or where the sign is integrated into an architectural feature, the sign area means the area contained within the shortest perimeter surrounding the copy;

- **“temporary sign”** means a sign not permanently affixed to or supported by the ground, a wall, a building, or other structure;
- **“Garden River First Nation lands”** has the meaning GRFN Reserve #14;

## **PART TWO – GENERAL PROVISIONS**

### **3. APPLICATIONS**

1. This regulation applies to the entirety of Garden River First Nation lands, except where otherwise specifically stated.
2. Nothing in this regulation relieves a person from complying with other Garden River First Nation laws and regulations.
3. No person may erect, place, alter, or maintain a sign except in conformity with this regulation.
4. No person may erect, place, alter, or maintain a sign on Garden River First Nation lands without approval from Garden River First Nation.

### **4. NON-CONFORMITY**

1. A sign lawfully in existence at the time of the enactment of this regulation may be maintained but shall not be rebuilt, reconstructed, or moved unless conforming to this regulation.
2. A sign lawfully in existence at the time of the enactment of this regulation shall be subject to the permit fees as set out in Schedule C retroactively from the date of the installation of the sign, and shall pay the permit fees retroactively back to that date.

### **5. PERMIT**

1. No person shall erect or place the following sign types without applying for and obtaining a valid permit in the form attached hereto as Schedule A:
  - a) *A freestanding sign with a height of more than 2m and/or an area of more than 2m<sup>2</sup>;*
  - b) *A fascia sign with an area of more than 1m<sup>2</sup>;*
  - c) *A projecting sign with an area of more than 1m<sup>2</sup>;*
2. No application for a sign permit shall be considered unless the application is as follows:
  - a) *Made in the form attached hereto as Schedule B;*
  - b) *Signed by the GRFN authorized representative which the sign is proposed to be located, if applicable;*
  - c) *Accompanied by payment of fees as set out in Schedule C;*

- d) *Accompanied by drawings to scale, in duplicate, illustrating the following:*
  - i. Each side of the sign, giving all pertinent dimensions, areas, construction and copy;
  - ii. The construction, dimensions, and weight of the sign and its supporting structures;
  - iii. The overall height and clearance of the sign;
  - iv. The proposed location of the sign in relation to property lines, the building face, or the front of the building to which it is to be affixed;
  - v. The manner and intensity of sign illuminations; and,
  - vi. The size and location of other signs on the property; and
- e) *Accompanied by proof of insurance as required by Section 5 of this regulation.*

- 3. GRFN shall issue a sign permit where the application complies with the provision of this regulation and other GRFN laws and regulations, and where the applicant has paid the fee set out in Schedule C.
- 4. Neither the issuance of a permit under this regulation nor the acceptance or review of plans, drawings, or specification or supporting documents, nor any inspections made by or on behalf of Garden River First Nation, shall in any way relieve the sign owner, or his or her representatives, from full and sole responsibility to perform work on the sign in strict accordance with the Building Code, this regulation and all other codes, standards and applicable enactments.
- 5. Any person who erects a sign requiring a permit shall sign Schedule D, an Indemnity Agreement, and maintain a policy of insurance indemnifying and holding harmless GRFN against all claims and demands, actions, suits, or other proceedings, and against all loss and costs of whatsoever kind, which may be caused by or arise out of, or in any way be attributable or incidental to the erection, construction or maintenance of such sign or appurtenance thereto; such policy of insurance shall be of a minimum amount of \$2 million dollars and shall be continued in full force and effect until such sign is removed from the premises.
- 6. Garden River First Nation will not be held responsible for any damage and/or destruction including any financial responsibility of any exceptional event or circumstance for damages incurred which are unforeseeable, beyond the control of both parties including both acts of nature and acts of people.

## **6. REFUSAL TO GRANT PERMIT**

- 1. GRFN shall refuse to issue a permit for a sign if:
  - a) The proposed sign is prohibited or does not comply with the provisions of this or other GRFN laws or regulations; or
  - b) The information submitted on the permit application is incomplete, inaccurate, or insufficient to ascertain whether the sign or supporting structure complies with this regulation.
  - c) Approved drawings as in accordance with section 5.2. Drawing and design will not slander and/or defame any businesses or individuals.

## **7. LAPSE OR REVOCATION OF PERMIT**

1. A permit issued by GRFN shall expire if installation of the proposed sign is not commenced within 12 months from the date of issuance of the permit.
2. The Inspector may revoke a permit issued pursuant to Section 5 (3) if the sign ceases to be in compliance with the provisions of this regulation or other GRFN laws and regulations.

## **8. PLACEMENT**

1. Placement of signs shall not obstruct areas of pedestrian or vehicular traffic or obstruct sightlines or view of traffic control devices or signals for vehicle traffic.

## **9. ILLUMINATION**

1. Signs shall be non-illuminated unless otherwise permitted by this regulation.
2. The illumination of any sign shall not create a direct glare upon any surrounding lot or highway.
3. The light source for a sign and all wiring and conduits to a sign shall not be visible by passing vehicles or pedestrians.

## **10. MAINTENANCE AND REMOVAL**

1. Every sign shall be maintained by the sign owner or authorized agent thereof in a clean and sanitary condition and in a state of good repair, free of defects and damage including but not limited to cracks and burned-out illuminations.
2. Subject to Section 4 of this regulation, all signs shall be maintained so as to ensure continued compliance with the provisions of this regulation.
3. Maintenance, including replacement of structural elements, copy, lamps, and refurbishing of all signs, may be undertaken without a sign permit.
4. Where any sign contravenes this regulation, GRFN may deliver the sign owner written notice specifying the contravention and ordering that the sign be removed or repaired within the time specified in the notice, which time shall not be less than ten days.
  - a) A permit holder who receives a notice pursuant to this section may request additional time to comply with the notice, along with an explanation of why the requested additional time is needed. The request for additional time shall be granted, refused, or varied by GRFN, considering the amount of time which is reasonably required to attend to the notice.

5. In the event of failure to comply with a notice given under Section 10 (4), GRFN may issue a Removal Order to have the sign removed within an amount of time specified in the Removal Order. The resulting costs of any removal, transportation and storage of any such sign shall be a debt due and recoverable to GRFN and the sign owner shall reimburse GRFN for such costs.
  - a) A permit holder who has received a Removal Order may ask GRFN Chief and Council to reconsider the Removal Order by submitting a request for reconsideration to the Chief of GRFN in writing, within ten days of the issuance of the Removal Order. The request for reconsideration shall state clearly the reasons for the request.
  - b) GRFN shall accept, accept with conditions, or reject the reconsideration request within 30 days of receiving the request.
  - c) From the time a Reconsideration Request is received by the Chief of GRFN until a decision is made, the Removal Order which is the subject of the reconsideration request is suspended. If the Reconsideration Request is rejected, the timing requirement of the Removal Order automatically resumes.
6. Each sign shall display on a visible location on the sign or sign structure:
  - a) *The name and contact information of the sign owner;*
  - b) *Any other information specified in the permit;*
7. Signs which do not display this information shall be deemed to be in contravention of this regulation and may be removed from the site.
8. When, in the discretion of GRFN Chief and Council or their designate, it is necessary for public safety or the good governance of GRFN and the GRFN reserve, GRFN Chief and Council may, by resolution, order that a sign be removed, and will provide notice to the sign owner at its earliest convenience. In such an instance the sign owner will be reimbursed any permit fees it had pre-paid for its signs on a pro-rated basis.

## **11. STRUCTURAL AND ELECTRICAL COMPLIANCE**

1. Signs, sign structures, and all fastenings shall be designed and constructed in accordance with all applicable legislation and regulations, signs shall be maintained to a safe and presentable standard to avoid risk of injury to any person or damage to any property.
2. All electrical installations shall be approved by the local electrical authority.
3. No sign, guy, stay, or attachment thereto shall be erected, placed, or maintained in such a manner as to contact or interfere with any above or below ground utility or the free use of any exit or egress.
4. No person shall change the design or construction of any sign which has been placed or erected until the change has been approved by GRFN.

## **12. HIGHWAY ENCROACHMENT**

1. No sign shall project over the travelled portion of a highway.

a) *All signs must be in accordance with the Ministry of Transportation Corridor Signage Policy;*

For all Ministry of Transportation Corridor Signage information please contact:

**Christopher Marsh**  
Corridor Management Officer  
Northeastern Region  
Ministry of Transportation Ontario  
70 Foster Drive, Suite 420  
Sault Ste. Marie ON, P6A 6V4  
Tel: 705 945-6685  
Fax: 705 945-6830

### **13. PROHIBITION**

1. The following classes of signs are prohibited on GRFN lands:

a) *Obsolete signs;*

b) *Flashing or animated signs;*

c) *Signs emitting audible sound, odor, or visible matter;*

d) *Signs which interfere or are likely to interfere with traffic or operation of traffic control devices;*

e) *Roof signs;*

f) *Rotating signs;*

g) *Signs that are unsightly, grotesque or inappropriate as to site, design or location; and*

h) *Signs that are dangerous or a public nuisance by virtue of improper siting or inappropriate lighting.*

## **PART THREE – ADMINISTRATION**

### **14. INSPECTION**

1. GRFN or a designated authorized representative may enter onto any premises that are subject to this regulation to ascertain whether the provisions of this regulation are being complied with.



**15. OBSTRUCTION**

1. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, GRFN in carrying out their duties or powers under this regulation.

**16. EFFECTIVE DATE**

1. This policy comes into force on the date of its enactment by GRFN.

**17. THIRD PARTY INTERESTS**

1. The permittee will not assign or otherwise transfer its permit rights hereunder or any part there of and will not accept any form of payment for personal gain from a third party.

**18. PERMISSION TO ACCESS**

1. Both parties shall not interfere with access to and access will not be unreasonably withheld to a permitted billboard and the land its situated on.

**19. APPEAL**

1. If an applicant or a sign holder are dissatisfied with the decision of GRFN or an inspector or any other authorized representative, the dissatisfied party may file a written request to appeal within 30 days of receiving the decision by leaving a copy of the written request at the GRFN Band office.
2. Any appeal may include any additional evidence the applicant or sign owner wishes GRFN to review on appeal.
3. GRFN will hear all appeals at a duly convened meeting of Chief and Council and may invite the appellant to appear and make oral submissions at its discretion. After the appeal is heard, GRFN shall make a decision within 30 days. GRFN is not required to provide written reasons for its decision.
4. There shall be no further appeal after GRFN issues its decision on an appeal.





Garden River First Nation  
 7 Shingwauk Street  
 Garden River, ON P6A 6Z8  
 (705) 946-6300

## SCHEDULE A – Form of Permit

**\*Terms used in this application form have the meanings ascribed to them in the *Sign Policy, 2021*.**

Date of Issuance:	
Expiration Date:	
Issued To:	Sign Location:
Permit Number:	Permitted Sign Type(s):
Permitted Sign Area:	
Permitted Sign Height:	
Agreement:	
<p><b>I understand that the permitted sign must remain in conformance with the <i>Sign Policy, 2021</i>, as amended from time to time, and all other GRFN laws and regulations. If the permitted sign ceases to be in conformance with the above, this permit may be revoked and any fees paid in association with the permitted sign will be forfeit.</b></p>	
Permit Holder Signature:	
X	Date:
GRFN Representative Signature:	
X	Date:



Garden River First Nation  
 Economic Resource Capacity Development  
 7 Shingwauk Street  
 Garden River, ON P6A 6Z8  
 (705) 946-6300

**EXPIRATION DATE:**

# SIGN PERMIT

**BUSINESS MAILING ADDRESS**

7805 2220 235  
 Example Business Name





1234 Unknown Avenue, Sault Ste Marie, ON P6A 7Z8

## SCHEDULE B - Application for Sign Permit

**A Separate Application Is Required for Each Sign Unit.**

Application is hereby made to	
<input type="checkbox"/> Erect a Sign <input type="checkbox"/> Alter a Sign <input type="checkbox"/> Relocate a Sign <input type="checkbox"/> Change <input type="checkbox"/> Ownership	
Type of Sign	
<input type="checkbox"/> Freestanding <input type="checkbox"/> Fascia <input type="checkbox"/> Projecting <input type="checkbox"/> Temporary <input type="checkbox"/> Changeable Copy	
<input type="checkbox"/> Wayfinding <input type="checkbox"/> Development <input type="checkbox"/> Illuminated	
Wording, Symbols or Pictures on Sign:	
<hr/> <hr/> <hr/> <hr/> <hr/>	
Enclose sketch or picture to properly describe sign, location on property, relationship to highway, attach to the application.	
Applicant Information	
Last Name:	First Name:
<hr/>	<hr/>
Applicant Status:	Email:
<hr/>	<hr/>
Address:	City/Postal Code:
<hr/>	<hr/>
Project Address:	City/Postal Code:
<hr/>	<hr/>
Sign Contractor:	Phone:
<hr/>	<hr/>
Contractor Address:	City/Postal Code:
<hr/>	<hr/>

<b>Signage Details</b>		
Value of Sign:	Sign Area (m <sup>2</sup> ):	Sign Height (m):
<b>Agreement</b>		
<b>This application must be accompanied by the drawings required by Section 2 (5)</b>		
<p>I/We hereby apply to Garden River First Nation for the issuance of a Sign Permit under the provisions of the Sign Policy, 2021. By signature hereon, I/we declare that all information provided in the support of this application is true and correct. I/We fully understand that acceptance of a permit fee and/or the issuance of a sign permit by GRFN is done solely to satisfy the requirements of the Sign Policy, 2021 and does not convey or imply assurance by GRFN or its employees that I/we are in conformity with any or all other GRFN laws or regulations. <b>I/We further understand this is an application only and does not constitute the approval of any signs.</b></p>		
Signature of Applicant:		Date:
Parcel Occupier: (if different from Applicant)		Date:
<b>FOR OFFICE USE ONLY</b>		
Date Received:	File Number:	Date Approved:
Notes:		



Garden River First Nation  
 7 Shingwauk Street  
 Garden River, ON P6A 6Z8  
 (705) 946-6300

## SCHEDULE C – Permit Fees

A permit fee as set out below shall be payable to Garden River First Nation by any applicant when making an application for a sign permit. Permit fees do cover the construction and/or design and installation of a billboard.

### **NON-BAND MEMBER PERMIT FEES**

<b>Application</b>	<b>Fee</b>
Freestanding Sign	\$250.00/month
Fascia Sign or Projecting Sign	\$150.00/month
Temporary Sign	\$70.00/month
Changeable Copy Sign	\$250.00*/month

**\*Fee in addition to other applicable fees based on sign type.**

**Please note, these fees do NOT include the Ministry of Transportation Sign Permit Fees.**

### **BAND MEMBER FEES**

<b>Application</b>	<b>Fee</b>
Freestanding Sign	\$212.50/month
Fascia Sign or Projecting Sign	\$127.50/month
Temporary Sign	\$59.50/month
Changeable Copy Sign	\$212.50/month

- Less 15%

# SCHEDULE D – INDEMNIFICATION AGREEMENT



Garden River First Nation  
7 Shingwauk Street  
Garden River, ON P6A 6Z8  
(705) 946-6300

In exchange for GRFN permitting the sign owner to maintain signs on GRFN Lands, the sign owner agrees to maintain insurance and indemnify GRFN against all costs, charges and expenses, including, without limitation, all amounts paid to settle any action or satisfy any judgment, reasonably incurred by GRFN in respect of any civil, criminal, administrative, investigative or other proceeding.

This indemnification agreement shall be binding upon the sign owner and GRFN and their successors and assigns, enure to the benefit of the parties and their personal representatives.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
GRFN Authorized Representative

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature



Chronological no.	2021-2022-36
File reference No.	

**BAND COUNCIL RESOLUTION**

**Indian and Northern Affairs Canada**    **Affaires indiennes et du Nord Canada**

Note: The words "from our Band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

The council of the:					Cash free balance
<b>GARDEN RIVER FIRST NATION</b>					Capital account
					\$ _____
Date of duly convened meeting:	Day	Mo.	Year	Province	Capital Account
	14	12	2021	ON	\$ _____

**GARDEN RIVER FIRST NATION SIGN POLICY BY-LAW**

By-law No. \_\_\_\_\_ of the Garden River First Nation

**WHEREAS**, the Council has the inherent authority to make laws regarding the use of reserve lands, the regulation of traffic and the observance of law and order, and with respect to any matter arising out of or ancillary to the exercise of powers of these;

**AND WHEREAS**, the Council also has authority pursuant to section 81(1)(b)-(c) of the *Indian Act* to make laws regarding the use of reserve lands, the regulation of traffic and the observance of law and order, and with respect to any matter arising out of or ancillary to the exercise of powers of these;

**AND WHEREAS**, the Council of Garden River First Nation has discussed the implementation of a Sign By-Law with its Economic Resource Community Development department;




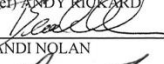
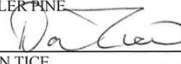
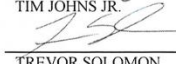


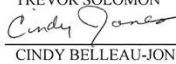



**AND WHEREAS**, the Economic Resource and Community Development department has been approached by outside businesses to construct and place billboard signage along the four-lane highway corridor Highway 17 and the two-lane corridor Highway 17B;

**AND WHEREAS**, the Economic Resource and Community Development department will continue to work with the Lands and Resource department, where required, to implement the Sign By-Law, including any amendments or edits as required;

**AND WHEREAS**, a Sign Policy was presented to Chief and Council on July 13, 2021, for review and approval to move forward with the Sign Policy for the benefit of the Garden River First Nation;

**AND WHEREAS**, the Council approved the motion to approve and support the Sign Policy for Garden River First Nation to support economic business initiatives for billboard and signage advertising within the Garden River First Nation lands on July 27, 2021.

**PAGE 1**

Quorum _____	 _____ (Chief) ANDY RICKARD	 _____ TYLER PINE
 TIM JOHNS JR.	 BRANDI NOLAN	 DAN TICE
 TREVOR SOLOMON	 DARWIN BELLEAU	 KASSIDY ARMSTRONG
 CINDY BELLEAU-JONES	 CHRIS THIBODEAU	 KAREN BELL
_____ CHESTER LANGILLE	 ALBERT WILLIAMS	

FOR DEPARTMENT USE ONLY							
Expenditure	Authority (Indian Act Sec.)	Source of Funds		Expenditure	Authority (Indian Act Sec.)	Source of Funds	
		<input type="checkbox"/> Capital	<input type="checkbox"/> Revenue			<input type="checkbox"/> Capital	<input type="checkbox"/> Revenue
Recommending Officer				Recommending Officer			
Signature _____				Signature _____			
date _____				date _____			
Approving Officer				Approving Officer			
Signature _____				Signature _____			
date _____				date _____			





Chronological no.	2021-2022-36
File reference No.	

**BAND COUNCIL RESOLUTION**

**Indian and Northern Affairs Canada**      **Affaires indiennes et du Nord Canada**

Note: The words "from our Band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

The council of the:					Cash free balance
<b>GARDEN RIVER FIRST NATION</b>					Capital account
					\$ _____
Date of duly convened meeting:	Day	Mo.	Year	Province	Capital Account
	14	12	2021	ON	\$ _____

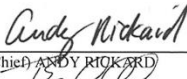

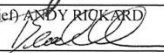




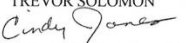
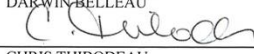
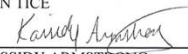
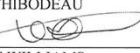
**AND WHEREAS**, the Council now wishes to make certain changes to the Sign Policy, and to enforce it as a new Sign By-law

**THEREFORE BE IT RESOLVED**, that the Garden River First Nation Chief and Council approve and support the Sign By-Law in the form attached to this Resolution as Schedule 'A'.

**BE IT FURTHER RESOLVED**, that immediately following the approval of the Sign By-Law, a copy of the Sign By-Law shall be published on the public website of Garden River First Nation

This By-law comes into force the day it is published.

PAGE 2

Quorum _____	 _____ (Chief) ANDY RICKARD	
 TIM JOHNS JR.	 BRANDI NOLAN	 TYLER PINE
 TREVOR SOLOMON	 DARWIN BELLEAU	 DAN TICE
 CINDY BELLEAU-JONES	 CHRIS THIBODEAU	 KASSIDY ARMSTRONG
CHESTER LANGILLE	 ALBERT WILLIAMS	KAREN BELL

FOR DEPARTMENT USE ONLY					
Expenditure	Authority (Indian Act Sec.)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue	Expenditure	Authority (Indian Act Sec.)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommending Officer			Recommending Officer		
Signature _____ date _____			Signature _____ date _____		
Approving Officer			Approving Officer		
Signature _____ date _____			Signature _____ date _____		