

City of Chilliwack

Bylaw No. 3005

A bylaw to provide for the regulation of signs

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Sign Bylaw 2004, No. 3005**”.
2. “Sign Bylaw 1995, No. 2258 and amendments thereto are hereby repealed.

INTERPRETATION

3. In this bylaw, unless the context otherwise requires, the following definitions shall apply:

“agricultural market” means a business premise where farm produce is the prime commodity offered for sale to the public;

“advertisement” means any word, letter, model, picture, symbol, device, or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction;

“billboard” means a third party sign not exceeding 4m in height and 9m in width, however, the maximum copy area must not exceed 28m² per side;

“Building Code” means the Building Code defined in regulations enacted under the *Local Government Act* or the *Community Charter*;

“Building Inspector” means the Building Inspector of the City of Chilliwack or designate;

“changeable copy sign” (automatic or manual) means any sign on which message copy can be changed electronically or through use of attached letters and numerals and includes public service information displays and any sign which features automatic switching;

“City” means the City of Chilliwack;

“copy area” means the total surface area of a sign exclusive of framework and supporting structure;

“Engineer” means the Engineer of the City of Chilliwack or designate;

“outdoor recreation” means a use providing for open area recreation facilities and minor sales and services customarily associated with such facilities;

“owner” means the registered owner of real property or the owner or lessee of a sign or his authorized representative;

INTERPRETATION (continued)

“portable sign” means any readily transportable sign that can easily be relocated to another location or temporarily set up and removed from a site, not permanently attached to the ground;

“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;

“temporary sign” means any sign erected for a specified period of time announcing or advertising an event of limited duration;

“third party sign” means a sign that is placed on property other than the property to which the information or advertising pertains, including billboards; and

“tourist facilities” means hotels, motels, motor hotels, campgrounds, or facilities established to service and maintain the vehicles and equipment of tourists and the travelling public.

PROHIBITIONS

4. Except as provided elsewhere in this Bylaw the following are prohibited:

- (1) a sign located on a balcony or roof of a building;
- (2) signs in residential zones as identified in the City's Zoning Bylaw, in force from time to time;
- (3) a sign erected on or over a highway, or City owned property; and
- (4) a sign situated on walls, fences or elsewhere on or adjacent to a highway or public place that exhibits writings or pictures, or the writing of words or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize or are of grossly insulting language or other immorality or indecency.

5. Except as provided for in the City's Highway and Traffic Bylaw, in force from time to time, no person shall post, exhibit or distribute:

- (1) placards, playbills, advertising signs, writings, pictures or drawings on walls, fences, electric power or telephone poles, canopy or street light standards, or on any other similar structure on or adjacent to a highway or public place; or
- (2) placards, playbills, pamphlets, advertising signs, writings, pictures, or drawings which are indecent or may tend to corrupt or demoralize, anywhere on or adjacent to a highway or public place.

EXEMPTIONS

6. The following signs are exempt from this Bylaw:
- (1) signs displayed within a shop or office;
 - (2) a sign that identifies a building;
 - (3) signs owned or leased by the City for municipal purposes;
 - (4) signs of a construction company on the land where the construction is being carried out;
 - (5) a sign advertising the sale or lease of the property upon which the sign is located provided that the sign shall not exceed 3m² in copy area and 6m in height;
 - (6) temporary signs advertising special events including sporting events, community causes, charitable fund raising campaigns, and non-profit arts and cultural events provided that they are not displayed longer than 10 days at a time or a total of 45 days in a calendar year, subject to their removal within 4 days following the end of the event or campaign;
 - (7) signs located on the property of a public institutional building such as a church, school or museum provided they are used only to display the name of the institution and educational material and non-profit community events or notices; are restricted to maximum height of 2.0 metres and a maximum area of 3.0m²;
 - (8) signs on benches occupying municipal property under agreement with the City, for the convenience of the public; and
 - (9) signs installed adjacent to the Trans-Canada Highway advertising local radio stations with a copy area not exceeding 3m².

DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER

7. No person shall commence the installation nor authorize or permit the installation of a sign unless a valid permit as required by this Bylaw has first been obtained.
8. The owner shall ensure the removal of any sign erected on his property when the purpose of the message thereon is no longer required.
9. Owners shall ensure that all signs are constructed in accordance with all applicable legislation, regulations and bylaws and maintained to a safe and presentable standard to avoid risk of injury to any person or damage to any property.
10. Illuminated signs shall be connected to an electrical circuit on the premises to which it pertains. All electrical installations shall be approved by the Province of British Columbia Electrical Safety Branch.

DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER (continued)

11. Except for portable signs, signs and sign structures shall be designed and constructed as herein provided and in accordance with Part 4 of the British Columbia Building Regulations, to resist wind, seismic and dead loads. A professional engineer may be required to submit signed, sealed and dated structural drawings and may be required to supervise all engineered components of the sign.
12. Except for portable signs and signs located in landscaped areas, all signs shall have a clear space of 2.3m between the lowest portion of the sign and the finished grade, sidewalk or street, unless the sign is constructed to within 0.5m of the finished grade.

APPLICATION

13. The application for a sign permit shall be completed on the form attached hereto as Schedule “A” and forming part of this Bylaw, and accompanied by the fees as prescribed in Schedule “B”, attached hereto and forming part of this Bylaw.
14. The applicant, in addition to the requirements of the City's Building Bylaw, in force from time to time, shall provide a plan of the proposed copy area and the intended location of the sign.

PROMOTIONAL SIGNS

15. Signs required to advertise a special event or promotion shall be regulated as follows:
 - (1) The application for a promotional sign permit shall be completed on the form attached hereto as Schedule “C” and forming part of this Bylaw, and accompanied by the fees as prescribed in Schedule “B”, attached hereto and forming part of this Bylaw.
 - (2) Signs shall be limited to non-illuminated portable signs.
 - (3) Signs shall be located entirely on the property to which the advertisement refers.
 - (4) Signs shall be displayed for a not more than 90 days in a calendar year, in minimum blocks of 30 days.
 - (5) Signs shall be limited to two sides with a maximum copy area of 3m² per side and not exceeding a height of 2.5 metres.
 - (6) Promotional signs are limited to one sign per property.
 - (7) For properties with more than 50 metres of frontage and having more than one licensed business, an additional promotional sign is permitted for each additional business for every 50 metres (or portion thereof) of property frontage.

PROMOTIONAL SIGNS (continued)

16. Notwithstanding Section 15, a promotional sign, including a third-party sign may be permitted for any business who may be affected by municipal capital works and/or other construction projects subject to the following:

- (1) written permission is received in advance of placing the sign from the City;
- (2) the sign is removed within 10 days of completion of the project or when the construction no longer interferes with the business to which the sign pertains; and
- (3) the sign is portable and located on private property.

ACCESSORY HOME OCCUPATION SIGNS

17. Signs advertising an accessory home occupation as defined and permitted by the City's Zoning Bylaw, in force from time to time, shall be regulated, constructed, and installed as follows:

- (1) signs shall not exceed a copy area of 0.75m^2 on each side or a total of 1.5m^2 for both sides; and,
- (2) signs shall be limited to one (1) non-illuminated sign placed flat against an exterior wall of a building or attached to a fence or gate or shall be a free standing sign not exceeding 2m in height.

COTTAGE INDUSTRY OR FARM SIGNS

18. Signs advertising an agricultural use or a cottage industry as defined and permitted by the City's Zoning Bylaw, in force from time to time, shall be regulated, constructed and installed as follows:

- (1) signs shall not exceed a copy area of 3m^2 on each side or a total of 6m^2 for both sides; and,
- (2) signs shall be limited to one (1) non-illuminated sign placed flat against an exterior wall of a building or attached to a fence or gate or shall be a free standing sign not exceeding 6m in height.

BILLBOARD SIGNS

19. The use of third-party billboard signs shall be restricted to the advertising of Tourist Accommodation or Tourist Attractions and shall be regulated, constructed and installed as follows:

- (1) shall only be permitted on lands immediately adjacent to the Trans-Canada Highway;

BILLBOARD SIGNS (continued)

- (2) shall not exceed a copy area of 28m² for each side and a maximum copy area of 56m² for both sides, and the dimensions of the copy area shall not exceed 4m in height and 9m in width;
 - (3) shall not exceed 10m in height;
 - (4) shall be limited to one sign for each business for each direction of the Trans-Canada Highway;
 - (5) shall only be located in AL (Agriculture- Lowland), RSV1 (Limited Use Reserve) and RSV2 (Public Use Reserve) Zones as identified in the City's Zoning Bylaw, in force from time to time;
 - (6) shall have a minimum separation distance of 1 kilometre from another billboard sign when measured parallel to the Trans-Canada Highway and be located no closer than 1 kilometre in advance of an exit; and,
 - (7) shall only be permitted for businesses that are located within the City or for businesses whose owners reside within the City;
- 20.** Third-party billboard signs shall be approved on an annual permit basis, with the owner required to make application and submit the required renewal fee as prescribed in Schedule “B”, attached hereto and forming part of this Bylaw, by January 30 of each calendar year. If the application for renewal is not received, the owner must remove the sign within 30 days of an Order being issued.
- 21.** Upon receipt of an Order to remove the billboard sign, the owner may appeal the said Order by submitting written notice to the City Clerk within 5 days. Council will consider the appeal and render a decision accordingly, which shall be final.
- 22.** Owners of third-party billboard signs shall maintain their signs in a neat and well-maintained manner and failure to do so will result in the cancellation of their permit.

BUSINESS PREMISES SIGNS

- 23.** Except for Sections 15 to 19 inclusive, businesses wanting to advertise their activity on their business premises by means of a sign supported from the ground by structural members and independent from the building, shall be regulated, constructed and installed as follows:
- (1) signs shall not extend beyond the property line, and shall not interfere with public safety;

BUSINESS PREMISES SIGNS (continued)

- (2) only one (1) sign shall be allowed on each property except:
 - (a) properties having a frontage of greater than 45m and an area exceeding one (1) hectare where one (1) free standing sign shall be permitted for each additional hectare or part thereof; or
 - (b) properties situated on a corner lot where one (1) free standing sign shall be permitted adjacent to each intersecting highway;
 - (3) unless situated within 600m of the Trans-Canada Highway, the maximum copy area permitted for any one side of a sign shall not exceed 10m²;
 - (4) for signs situated within 600m of the Trans Canada Highway, the maximum copy area shall not exceed 20m² per side; and,
 - (5) in addition to subsections 23(3) and 23(4), an additional 3.0 m² of copy area per side is permitted for a changeable copy sign that is permanently fixed to the business premise sign.
- 24.** If greater than two-sided, a sign shall not consist of more than four (4) sides and each side must be a minimum of 60 degrees from the adjoining sides.
- 25.** Business premises signs shall only be permitted in commercial, industrial, institutional, outdoor recreation and commercial agriculture zones and shall be restricted to advertising the business(es) carried out on that property.
- 26.** Business premises signs shall not exceed a height of 10m.

ELECTION SIGNS

- 27.** Every candidate in an election wishing to post or display an election sign shall, prior to posting or displaying any sign, make application to the City Clerk for an Election Sign Permit on the form provided by the City and shall at the time of application deposit Five Hundred Dollars (\$500.00) with the City as security.
- 28.** Every candidate who posts or displays an election sign on civic property shall remove the sign within ten (10) days after the election notwithstanding, if the person fails to remove the sign, the sign shall be removed by the City and the cost incurred for the removal shall be recovered from the deposit made pursuant to Section 27.
- 29.** Election signs shall only be posted or displayed during the election period pertaining to the sign and subject to the following restrictions:
- (1) Pursuant to the *Local Government Act* no person shall display or distribute a sign at or within one hundred (100) metres of a building, structure or other place where voting proceedings are being conducted at the time.

ELECTION SIGNS (continued)

- (2) No person shall post, display or distribute a sign at or within one hundred (100) metres of the City Hall.
- (3) No person shall attach or affix a sign to any tree, utility pole, lamp standard or traffic control device.
- (4) No person shall post or display a sign on or near a public highway in any manner which obstructs motorist visibility.

POWERS OF THE AUTHORITY HAVING JURISDICTION

30. The Building Inspector is hereby empowered to:

- (1) enter at all reasonable times on any property subject to the regulations of this Bylaw or the Building Code to ascertain whether the regulations or directions are being observed;
- (2) order a person who is contravening any of the provisions of this Bylaw or the Building Code to comply with such provisions within a time period specified within the Order;
- (3) order work to stop if any part of the work is proceeding in contravention of any of the provisions of this Bylaw or the Building Code, or if there is an unsafe condition on the real property upon which the work is being carried out;
- (4) order the immediate removal or affect the removal of any sign constructed without a permit on City property or canopies;
- (5) order the removal of any sign or part thereof constructed or maintained in contravention of any of the provisions of this Bylaw or the Building Code; and,
- (6) revoke a permit issued under this Bylaw or the Building Code if:
 - (a) there is a contravention of this bylaw;
 - (b) the permit was issued in error;
 - (c) the permit was issued on the basis of incorrect information; or
 - (d) any fees required to be paid under this bylaw are not paid.

ENFORCEMENT

31. It shall be unlawful for any person to do any act contrary to any direction, instruction, specification or provision contained in or adopted by this Bylaw or any notice lawfully given or posted pursuant to the provisions of this Bylaw.

ENFORCEMENT (continued)

32. Without any permit hereby required or contrary to the conditions upon which any permit has been issued pursuant to this Bylaw.
33. It shall be unlawful for any person to refrain from or fail to take any act or precaution required to be done or taken under this bylaw or by any notice lawfully given or posted pursuant to the provisions of this Bylaw.

PENALTIES

34. Any person who fails to comply with any Order or Notice issued pursuant to this Bylaw, or who allows a violation of this Bylaw to continue, contravenes the provisions of this Bylaw and each day that a violation exists shall constitute a separate offence.
35. Any person guilty of an infraction of this Bylaw shall be liable upon summary conviction to a fine, or to imprisonment, or to such fine and imprisonment allowed by the *Offence Act*, Revised Statutes of British Columbia.
36. If any portion section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the Bylaw.

Received first reading on the 15th day of March, 2004.
Received second reading on the 15th day of March, 2004.
Received third reading on the 15th day of March, 2004.
Finally passed and adopted on the 5th day of April, 2004.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk

Schedule “B”

PERMIT FEES & SECURITIES

- | | | | |
|-----------|--|----|--------|
| 1. | Up to \$1,000 of value | \$ | 30.00 |
| 2. | \$1,000 and up in value | | |
| | (1) first \$1,000 | \$ | 30.00 |
| | (2) each additional \$1,000 or part thereof | \$ | 5.00 |
| 3. | Annual renewal fee for billboards only | \$ | 30.00 |
| 4. | Promotional Signs | \$ | 25.00 |
| 5. | When the total value of construction (including cost of installation) exceeds \$3,500.00, a security deposit is required to ensure the repair of any damage to municipal property. | \$ | 500.00 |
| 6. | Said security deposit may be in the form of: | | |
| | (1) cash; | | |
| | (2) certified cheque; or | | |
| | (3) irrevocable Letter of Credit drawn on a Canadian Chartered Bank or Credit Union for a term and in a form satisfactory to the City. | | |

* * * *

Schedule “C”

PROMOTIONAL SIGN PERMIT APPLICATION

Date of application: _____

Civic Address
(where sign will be located): _____

Business Name: _____

1. Within this calendar year, have any previous promotional signs been placed at this address for this business?

No

Yes - If yes, total number of days, sign was in place for: _____

2. Number of Days (duration) this promotional sign will be in place:

30 days

60 days

90 days

Note: Number of days in Section 1 above, plus number of days in Section 2, shall not exceed 90 days in a calendar year).

Name of Applicant or (Sign Company): _____

Applicant's Address: _____

Phone #: _____ Fax #: _____ Cell # _____

e-mail address: _____

Property Owner: _____

Owner's Address _____