

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:

WHEREAS Section 908 of the Local Government Act, Sections 8(4) and 65 of the Community Charter, and Section 120 of the Motor Vehicle Act authorize Council to regulate signs; (AB#3898)

AND WHEREAS the City of Chilliwack desires to promote the goals and policies as set out in the City of Chilliwack Official Community Plan, in force from time to time.(AB#3898)

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 “Sign Bylaw 1995, No. 2258 and amendments thereto are hereby repealed.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 advertising sign either freestanding or attached to the side of a building; (AB#3898)

“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;

“clearance” means the vertical distance between the bottom of a sign and grade;(AB#3898)

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

“Director” means the Director of Development and Regulatory Enforcement Services or other employee of the City of Chilliwack authorized to carry out inspections and enforce the provisions of this Bylaw; (AB#3898)

“election sign” means any sign used to promote a candidate or party during a municipal, provincial or federal election, or any election held pursuant to the Local Government Act; (AB#3898)

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

“grade” means the elevation of the nearest surface of sidewalk or highway, and for a sign completely within private property, grade means the average of the finished ground surface within 3m of the sign; (AB#3898)

“height” as applied to a sign, means the vertical distance from grade to top of a sign; (AB#3898)

“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;

“permit” means an authorization in writing issued by the Director pursuant to this Bylaw; (AB#3898)

“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, a building or other structure; (AB#3898)

“sign” means any visual representation or attention-drawing device which communicates information or advertising for any purpose;

“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.

- 4. Election signs are exempt from this Bylaw, except as provided in the City of Chilliwack “Election Sign Bylaw 2013, No. 3899”, in force from time to time. (AB#3898)**

EXEMPTIONS

- 5. The following signs are exempt from this Bylaw:**

- (1) signs displayed within a building and not visible or intended to be visible from any street or any other site;*
- (2) a sign that identifies a building or property by name and/or address only, provided that the copy area of each such sign shall not exceed 0.25m²;*
- (3) signs owned or leased by the City for municipal purposes; and,*
- (4) public notices authorized by provincial or federal legislation. (AB#3898)*

PERMITS

6. *A permit is required for the erection, display, alteration, replacement or relocation of a sign unless exempted by Section 13. (AB#3898)*
7. *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. (AB#3898)*
8. *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. This plan shall indicate:*
 - (1) *the legal description of the site and street address of the proposed sign;*
 - (2) *the site plan and building elevation showing the proposed sign location with the relative distance to property line(s);*
 - (3) *the extent of any encroachment on public property, including the height of the sign above any public street, sidewalk or grade level at the face of the building;*
 - (4) *the dimensions of the sign including letter, symbol, or logo size;*
 - (5) *the copy to background area ratio;*
 - (6) *details of any related landscaping or intended method of screening the support structures; and,*
 - (7) *the manner, if any, of illumination. (AB#3898)*
9. *In reviewing a sign permit application, the Building Inspector shall consider such factors as:*
 - (1) *the need to encourage a consistent street appearance to ensure traffic and pedestrian safety and the applicant’s right to secure fair business exposure;*
 - (2) *the desire to promote a particular area development theme as set out in the Official Community Plan, as adopted by the City and in force from time to time; and,*
 - (3) *the City’s desire to reduce visual clutter by improving the visibility, legibility and readability of all permitted signage having consideration to the number, size and location of advertisements. (AB#3898)*
10. *Notwithstanding Section 8 above, where a sign has a value of less than \$250.00, the Building Inspector may accept a photograph and plot plan in place of the aforementioned plans. (AB#3898)*
11. *The Building Inspector may require the applicant to provide any further information the Inspector deems necessary to determine the compliance of a proposed sign with this and all other applicable bylaws. (AB#3898)*

- 12.** *Upon the filing of an application for a Sign Permit, the Building Inspector shall examine the plans, specifications and other submitted data and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Bylaw and other applicable bylaws and if the appropriate permit fee has been paid, the Building Inspector may issue a permit for the proposed sign. If the work authorized under a Sign Permit has not been completed within 90 days after the date of issuance, the permit shall become null and void unless otherwise extended by the Building Inspector for a single additional 90 day period. (AB#3898)*
- 13.** *The following are exempt from obtaining a permit provided they comply with all other regulations of this Bylaw:*
- (1) signs on benches or street furniture occupying municipal property under agreement with the City, for the convenience of the public;*
 - (2) works of art, including murals, that do not include a commercial message and are not erected above the building roof line or project onto public property;*
 - (3) memorial plaques, cornerstones, historical and interpretative tablets, provided they do not exceed 1.0m²;*
 - (4) a construction site sign, being a temporary sign erected by a construction company on the land where the construction is being carried out, provided such a sign does not exceed 2.0m²;*
 - (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 such signs 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; such signs are restricted to a maximum height of 2.0m and a maximum area of 3.0m²;*
 - (8) normal maintenance, including painting and repair but excluding structural alteration, the replacement of plastic sign faces with the same advertiser required because of breakage or deterioration, and the changing of copy on a permitted changeable copy sign. (AB#3898)*
- 14.** *For greater certainty, nothing in this bylaw exempts any sign or sign infrastructure from compliance with requirements imposed by any other City bylaw, including without limitation, any development permit requirement. (AB#3898)*

PROHIBITIONS

15. *Except as provided elsewhere in this Bylaw the following are prohibited:*
- (1) *a sign located on a balcony or roof of a building, or which extends or projects above the roof line of a building;*
 - (2) *signs in residential zones as identified in the City's Zoning Bylaw, in force from time to time;*
 - (3) *all signs, except traffic, directional signs and other statutory signs, on the Trans-Canada Highway, except in those areas defined in the maps attached to this Bylaw as Appendix “D”;*
 - (4) *a sign erected on or over a highway, or City owned property;*
 - (5) *an illuminated sign that does not have the approval of the Provincial Electrical Inspector or incorporates a strobe light;*
 - (6) *a sign that interferes with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity, or communications equipment; and,*
 - (7) *a sign attached to a tree or other living vegetation. (AB#3898)*
16. *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 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, other than on a kiosk or bulletin board erected by the City for that purpose. (AB#3898)*
17. *No sign shall obscure the line of sight from a street, lane, or sidewalk to oncoming traffic for pedestrians or motorists. Specifically, signs shall not be placed;*
- (1) *within 6m of an intersection or pedestrian crosswalk;*
 - (2) *within 1.5m of the edge of the travelled portion of a street, curb, or sidewalk;*
 - (3) *on road rights of way designated as school or playground zones;*
 - (4) *within 250m of an intersection on the Trans-Canada Highway; or,*
 - (5) *in any manner that causes signs to block, interfere with, or be affixed to any authorized traffic sign, traffic signal or traffic control device, power pole, or lamppost. (AB#3898)*

DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER

18. 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.
19. The owner shall ensure the removal of any sign when the purpose of the message thereon is no longer required *or a valid permit for the sign is no longer in effect. (AB#3898)*

20. 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.
21. Illuminated signs shall be connected to an electrical circuit on the premises *where the sign is erected or affixed*. All electrical installations shall be approved by the Province of British Columbia Electrical Safety Branch. (AB#3898)
22. 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.
23. 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.
24. *Upon receipt of written notice from the Building Inspector to alter, refurbish, or remove the sign, the lawful owner of the sign or, where applicable, the property owner, shall complete the work required and bear all related costs.* (AB#3898)

PROMOTIONAL SIGNS

25. 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; and,
 - (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.
26. Notwithstanding Section 23, 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: (AB#3898)
 - (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

27. 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 *one non-illuminated* free standing sign not exceeding 2m in height. (AB#3898)

COTTAGE INDUSTRY OR FARM SIGNS

28. 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 *one non-illuminated* free standing sign not exceeding 6m in height. (AB#3898)

BILLBOARD SIGNS

29. *Billboard signs shall be regulated, constructed and installed as follows: (AB#3898)*

- (1) shall only be permitted on lands immediately adjacent to the Trans-Canada Highway *in those areas defined in the maps attached to this Bylaw as Appendix “D”*; (AB#3898)
- (2) shall not exceed a copy area of 28m^2 for each side and a maximum copy area of 56m^2 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. (AB#3898)
- 30.** 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.
- 31.** 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.
- 32.** Owners of 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

- 33.** Except for *signs which are promotional signs, accessory home occupation signs, cottage industry signs, or billboards where businesses wish 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, such signs* shall be regulated, constructed and installed as follows: (AB#3898)
- (1) signs shall not extend beyond the property line, and shall not interfere with public safety;
 - (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 *the area permitted by Subsections (3) and (4) above*, 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. (AB#3898)
- 34.** 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.

35. 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.
36. Business premises signs shall not exceed a height of 10m.

ENFORCEMENT POWERS (AB#3898)

37. 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 a sign owner or other person responsible for the sign to immediately remove or effect the removal of any sign constructed without a permit on City property or canopies; (AB#3898)*
 - (5) *order a sign owner or other person responsible for the sign to alter, refurbish or remove any sign or part thereof constructed or maintained in contravention of any of the provisions of this Bylaw or the Building Code; (AB#3898)*
 - (6) *order a sign owner or person responsible for a sign in an overall state of disrepair to alter, refurbish or remove the sign; (AB#3898)*
 - (7) 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; *and,*
 - (8) *seize any sign located on public property that is in non-compliance with this Bylaw. (AB#3898)*

PROSECUTION AND PENALTIES

38. *Any person who contravenes any provision of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of an offence and is liable upon conviction to a fine not exceeding \$2,000.00 and in default of payment to imprisonment for a period not exceeding six months, or both. A separate offence is committed on each and every day during which the contravention continues. Conviction in respect of one particular violation shall not operate as a bar to further prosecution if the contravention continues. (AB#3898)*

- 39.** *Notwithstanding the minimum fine referred to in Section 40, every person who commits an offence by continuing to display a sign without a valid permit or by failing to comply with an order is liable to a fine of not less than \$500.00 for each offence. (AB#3898)*
- 40.** 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.

Amendment Bylaw No. 3898 adopted on the 17th day of December, 2013.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk

Schedule “A”

APPLICATION FOR SIGN PERMIT

Name of Applicant (person erecting or affixing sign): _____

Address: _____

Phone No. _____

Location of Sign: Civic _____

Legal Description _____

Name of Property Owner: _____

Address: _____

Phone No. _____

Name of Sign Owner (if different than Applicant): _____

Address: _____

Phone No. _____

Design Agency: _____

Address: _____

Phone No. _____

Description of Sign: _____

Drawings Attached: Yes ___ No ___ WEIGHT: _____

Contract Price (Including installation): \$ _____

Date: _____ Signature of Applicant _____

I, the undersigned, being the registered owner of the above described property, hereby permit the erection of the above sign thereon, and authorize the occupant or representative of the sign company to sign the permit application on my behalf.

In the event that the said occupant vacates the said property, without removing the said sign pursuant to this bylaw, I hereby authorize the City of Chilliwack, by its agents or employees, to enter upon the said property and remove the said sign and I shall bear the costs of such removal.

Signature of Property Owner

(AB#3898)

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: _____

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 _____

Schedule “D”

PERMITTED BILLBOARD SITES ON TRANS-CANADA HIGHWAY (AB#3898)

