

# REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 1848

A Bylaw to provide sign regulations under Section 908 of the *Local Government Act*, within the Elk Valley Area of the Regional District of East Kootenay.

**WHEREAS** the Board of the Regional District of East Kootenay may enact a bylaw to regulate signs pursuant to Section 908 of the *Local Government Act*.

**AND WHEREAS** it is deemed desirable to regulate signage within the Regional District of East Kootenay Electoral Area A.

**NOW THEREFORE** the Board of the Regional District of East Kootenay in open meeting assembled hereby enacts as follows:

### **PART 1 TITLE**

- 1.01 This Bylaw may be cited for all purposes as "Regional District of East Kootenay – Elk Valley Sign Bylaw No. 1848, 2005."

### **PART 2 ADMINISTRATION AND ENFORCEMENT**

#### **ADMINISTRATION**

- 2.01 The Manager of Planning and Development Services, Chief Building Inspector, Bylaw Enforcement Officer, and any other person authorized to assist the aforementioned persons, are hereby authorized to administer the bylaw.

#### **VIOLATION AND PENALTY**

- 2.02 Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$2,000.00 and costs of prosecution.

#### **SEVERABILITY**

- 2.03 If any section, or lesser portion of this Bylaw is for any reason held to be invalid, the invalid portion is severable and the validity of the remaining portions of this Bylaw will not be affected.

#### **REPEAL OF BYLAWS**

- 2.04 The following is repealed:
- (1) Section 4.12 of Bylaw No. 829, cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990".

### **PART 3 INTERPRETATION**

#### **APPLICATION**

- 3.01 The provisions of this Bylaw apply to Electoral Area A of the Regional District of East Kootenay, as outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw.

#### **SCHEDULES**

- 3.02 The following schedules attached to this Bylaw are incorporated in and form part of this Bylaw:

Schedule A - Area Included in Bylaw

#### **UNITS OF MEASURE**

- 3.03 Numerical quantities in this Bylaw are written in the International System of Units (metric). Approximate imperial units are shown in brackets following the metric measurements; such bracketed figures are included for convenience only and do not form part of this Bylaw.

## DEFINITIONS

**3.04** In this Bylaw:

**Billboard** means any exterior *structure* displaying material of a general advertising nature which exceeds 8.9 m<sup>2</sup> (96 ft<sup>2</sup>).

**Freestanding sign** means a *sign* supported independently of a building or any other *structure* and includes portable *signs*.

**Height** means the vertical distance from the *natural finished grade* to the highest point of the *sign*.

**Natural finished grade** means the natural finished ground level directly below the *sign*.

**Off-premise sign** means any *sign* which contains *third party advertising*.

**Parcel** means the smallest unit of land which is designated under the *Land Title Act* as a separate and distinct *parcel* on a legally recorded plan or description deposited in the Land Title Office and includes a strata *parcel* pursuant to the *Strata Property Act* and registered in the Land Title Office, but does not include a *highway* right-of-way or portion thereof.

**Parcel line** means a legal boundary of a *parcel* as shown or described on the records of the Land Title Office.

**Sign** means any *structure* or device which is used or intended to be used to identify or advertise any object, product, place, activity, person, institution, organization, or business and which is placed so as to be seen by the public. For the purposes of this Bylaw, *sign* shall also include the displayed *sign* content.

**Sign program** means a program administered by the Ministry of Transportation or their designate which redirects signage to multi-ad highway *signs* on the highway right-of-way in order to reduce the proliferation of individual *signs*.

**Structure** means anything built, placed or constructed that is fixed to, supported by or sunk into land or water, excluding paving or surfacing materials such as asphalt or concrete.

**Third party advertising** means *sign* content which directs attention to products sold or services provided which are not the principal products or services provided on the *parcel* on which the *sign* is located.

## PART 4 GENERAL REGULATIONS

### PROHIBITED SIGNS

**4.01** The following signs are prohibited on any *parcel*:

- (1) Roof-mounted *signs*;
- (2) *Freestanding signs* of a *height* which exceeds 6.0 m (19.6 ft);
- (3) *Billboards*;
- (4) Flashing and moving *signs*;
- (5) *Signs* which project beyond *parcel lines*;
- (6) Illuminated *signs*;
- (7) *Off-premise signs*.

**PERMITTED SIGNS**

- 4.02** (1) All *signs* must comply with Section 214 of the *Motor Vehicle Act*.
- (2) *Signs* on the highway right-of-way which are part of a *sign program* are exempt from the provisions of this Bylaw.
- (3) All *signs* must be maintained so that at all times they are structurally sound and free from all hazards caused or resulting from decay or structural failure. All *sign* area, background, and copy shall be maintained in a readable and clean condition.
- (4) Identification *signs* for Mobile Home Parks as permitted by the Regional District of East Kootenay Elk Valley Zoning Bylaw No. 829, shall be limited to a maximum *height* of 1.8 m (5.9 ft) above the *natural finished grade* and to a maximum area of 3 m<sup>2</sup> (32.3 ft<sup>2</sup>) located at the principal entrance to the park.
- (5) Identification *signs* for home occupations, as permitted by the Regional District of East Kootenay Elk Valley Zoning Bylaw No. 829 must not:
- a) exceed an area of more than 0.5 m<sup>2</sup> in Residential, RS and RH zones; and
  - b) exceed an area of more than 1.0 m<sup>2</sup> in Rural Residential, RR zones.

**EXISTING SIGNS**

- 4.03** (1) Any *sign* in existence and in use in the area outlined on Schedule A on the date of the adoption of this Bylaw, which does not conform to its provisions, shall be considered non-conforming in accordance with Section 911 of the *Local Government Act*.
- (2) Non-conforming *signs* shall retain their status until a change in *sign* content occurs or they are structurally changed or moved. The *sign* shall then be brought into compliance with this Bylaw or shall be removed.

**PART 5 ADOPTION****EFFECTIVE DATE OF BYLAW**

**5.01** This Bylaw is in force from the date of adoption.

READ A FIRST TIME the 7th day of October 2005.

READ A SECOND TIME the 7th day of October 2005.

READ A THIRD TIME the 7th day of October 2005.

ADOPTED the 7th day of October 2005.

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 "Gregory Deck"  
 CHAIR

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 "L.V. Crane"  
 MANAGER OF ADMINISTRATIVE SERVICES

