

BY-LAW NO. 23

SIGN REGULATIONS BY-LAW

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## SIGN REGULATIONS BY-LAW NO. 23

The Council of the District of New Hazelton in open meeting assembled enacts as follows:

(a) This By-Law may be cited as the District of New Hazelton "Sign Regulations By-Law No. 23, 1983."

DIVISION ONE - PREAMBLE

100

Short Title

This By-Law may be cited as the "Sign By-Law" of the District of New Hazelton.

101

Purposes

- (a) To protect signs and lights erected for the direction of traffic from the effects of conflicting commercial and other signs;
- (b) To prevent the confusion which may arise from the undue conflict of commercial and other signs, one with another;
- (c) To protect the appearance of the various districts of the Municipality and its public works and places from the effect of signs which may be inappropriate as to size, design or location;
- (d) To protect the public from the dangers of signs of inferior construction, and from the public nuisance or hazard arising out of improperly sited signs;
- (e) To permit the proper identification of business within the District and to indicate to the extent permitted by this By-Law and types and trade names of goods and services manufactured or sold on the premises in question.

102

Definitions

All words and phrases shall have their normal or common meaning except where the same is changed, modified or expanded by the definitions and terminology set forth in Division 11 of this By-Law.

103

General Provisions.

In the District of New Hazelton, no sign including a billboard shall be erected, set up, altered, converted, enlarged, exchanged, reconstructed or structurally adapted which does not conform to and comply with the provisions of this By-Law. Provided however that all signs presently in existence and use, for which a permit was originally obtained shall until altered or moved be exempted from all provisions and requirements of this By-Law for a period of five (5) years.

DIVISION TWO - DEFINITIONS

200      In this By-Law:

201      Animated Sign  
A sign with action or motion, flashing, colour changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or specialty items. This definition does not include public service signs such as time and temperature, revolving, or changeable message signs.

202      Architectural Projection  
Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

203      Building Facade  
That portion of any exterior elevation of a building extending from grade to the parapet wall or eaves and the entire width of the building elevation.

204      "Billboard" means and includes a separate detached exterior structure used for publishing or advertising a product, service or cause usually by means of changeable paper copy applied to a permanent frame.

205      Building Facade Facing  
A resurfacing of an existing facade with approved material illuminated or non-illuminated.

206      Facia Sign  
A sign which is in any manner affixed flat to the exterior wall of a building or structure and which projects not more than 12" from the building or structure wall and which does not extend above the parapet, eaves, or building facade of the building on which it is located.  
"WALL SIGN" denotes a sign painted on the wall itself.

207      "Freestanding Sign," means and includes any sign wholly or partially supported from the ground by a structural member independent of any of the principal buildings or structures on the lot in question.

208      Illuminated Sign  
A sign in which a source of light is used in order to make readable the message. This definition shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

209      "Lot" means and includes the smallest unit of land which is designated as a separate and distinct parcel filed in the Land Registry Office.

210      Marquee  
Marquee is a permanent roofed structure attached to, and supported by the building and projecting over public property.

211      Marquee Sign  
Any sign attached to or constructed in a marquee.

212 Multiple Copy Sign  
A sign which advertises other than the name of the business and the principal product or service.

213 On Premise Sign  
A sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

214 Principal identification sign is a sign which identifies only the name of the business and the principal product or service.

215 "Projecting Sign" means and includes any sign which projects from the face or wall of any principal building or structure on the lot in question, but does not include a "Marquee Sign" or "Under Marquee Sign."

216 Revolving Sign  
A sign which revolves 360° but does not exceed 8 rpm.

217 Roof Sign  
A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

218 "Sign" means an exterior structure, painting or display used for any of the following purposes:  
(a) Identifying an industrial, commercial, institutional, professional or recreational use of land or of a structure.  
(b) Identifying land or a structure.  
(c) Indicating a hazard.  
(d) Giving notice of prohibition and penalties respecting a particular structure or area of land.  
(e) Promoting the sale or lease of real estate.  
(f) Indicating a direction.  
(g) Advertising products, goods, services or otherwise promoting the sale of objects or identifying objects for sale.

219 Temporary Sign  
A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

220 Under Marquee Sign  
A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

221 "Zoning Districts" means districts designated by letter or name for zoning purposes by the Zoning By-Law and amendments thereto of the District of New Hazelton.

DIVISION THREE - GENERAL PROVISIONS

300 Facia Signs, Projecting Signs, Marquee Signs, Roof Signs, Under Marquee Signs and Freestanding Signs shall be permitted for the following purposes only:

- (a) Identifying an industrial, commercial, institutional, professional or recreational use of land or of a structure.
- (b) Identifying land or structures.

301 Facia Signs, Projecting Signs, Marquee Signs, Freestanding Signs, Under Marquee Signs, Billboards and Roof Signs shall conform to the appropriate detailed regulations set out in Schedule "A" to the By-law.

302 (a) In addition to conforming with the requirements set out in Schedule "A" to this By-law, every Facia Sign, Marquee Sign, Free-standing Sign, Projecting Sign and Under Marquee Sign shall be of such a design that all framework and other rigid devices required to support the sign shall be contained within the Sign's body or within the structure or building to which it is attached in such a manner as not to be visible to the public.

(b) Copy area allocated to secondary products on multiple message signs shall occupy not more than 1/3 of the sign face.

303 (a) No billboard shall be erected on any lot that does not have a commercial or industrial designation in the District of New Hazelton Zoning By-law or is otherwise occupied.

(b) No part of a billboard shall be at any point higher than sixteen (16) feet from the average grade of the site upon which it is situated.

304 The supporting members of a roof sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square or shaped steel members may be erected if required bracing, visible to the public, is minimized or covered.

305 The following Special Purpose Signs shall be permitted:

- (a) Signs indicating a hazard; whether prudent or customary, provided that they are not in excess of such dimensions as the Inspector shall deem necessary for the purpose;
- (b) Signs giving a notice of prohibition and penalties respecting a particular structure or area, where customary, provided that they are of such dimensions as the Inspector shall deem necessary for the purpose;
- (c) Temporary signs promoting the sale or lease of real estate, provided however that there shall not be more than one sign on any given lot; and that such a sign shall be situated on or adjacent to the lot or lots to which the sign in question refers. Each of such signs shall be in area not in excess of six (6) square feet per ten thousand square

feet of site area for sale, and in no case in excess of thirty-two square feet; for sale, and in no case in excess of thirty-two square feet.

- (d) Directional signs not more than one in number which identify the location, name and nature of a building, structure or use, not readily visible from the street servicing such building, structure or use, in all zones other than general residential zones; provided however that such sign is on lands forming part of the site of such building, structure or use, and is not more than ten (10) square feet in area and neither flashing nor animated.
- (e) Portable Signs, folding signs, and similar movable signs shall not be permitted unless such signs are first approved by the Authority having jurisdiction who shall determine the size, location, number and term or erection.

The same shall apply to flags, banners, streamers or special feature signs and items.

In the case of special feature window signs, not more than (20) twenty percent of a window or a commercial business shall be used for display or signs.

- (f) Signs erected by the District of New Hazelton for any municipal purpose.

306 Sections 300 and 303 of this By-law shall not be construed as prohibiting the placing or the maintaining of signs promoting any candidate, political party or cause being contested in a Federal, Provincial or Municipal election or referendum during the 30 days immediately prior to such contest; provided that those persons placing or maintaining such signs must remove same within 7 days after the said election or referendum.

307 Whether a sign is composed partially or wholly of letters, figures or symbols which are affixed to a wall separately, or are freestanding on a projection base, the sign area shall in so far as such letters, figures or symbols are concerned, be deemed to be the area contained within the shortest line surrounding the whole group of the said letter, figures or symbols.

308 No sign shall be attached to or obstruct the free use of any fire escape.

309 No provision contained in this By-law shall be deemed to authorize the placing or erecting of any sign, contrary to the provisions of the Zoning By-law and all amendments thereto, or to relieve any person or persons from complying with the provisions of any other By-law of the District of New Hazelton.

310 Neither the granting of a permit under this By-law nor the approval of the plans and specifications and inspection by the Building Inspector shall in any way relieve the owner of said sign from full responsibility for carrying out the work in accordance with the requirements for this By-law.

311 No exterior canvas or cloth sign shall be displayed within the District except those signs announcing the date of any event or function of a non-profitmaking organization of a social, charitable or religious nature; which signs shall not be posted for a period of more than 12 days prior to

the event in question and shall be removed within three days thereafter.

312 Where a fence or hoarding is erected on any street, during the construction or alteration of a building, no signs other than those relating to the said construction or alteration and those permitted by resolution of Council shall be placed upon the said fence or hoarding.

313 The construction, erection, posting, displaying and maintenance, within any portion of the District of New Hazelton of posters, handbills, or advertising cards on hoarding or scaffolding of any kind, or any erection of construction connected therewith by any person is hereby prohibited.

314 Save as provided in this By-law no sign, or construction in connection therewith, shall be placed or maintained on or above any street or upon any fence or pole thereon; but this section shall not apply to posters, placards, notices or traffic control signs and notes posted by or on behalf of the District of New Hazelton or the R.C.M.P.

315 Any person who erects, owns, maintains, or who continues the use of any canopy or any sign which projects on or over any street shall deposit with the Municipality a Bond of Indemnity or Policy of Insurance satisfactory to the District Council indemnifying or insuring the District 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, maintenance or use of such projecting sign, canopy, or appurtenance thereto, during the maintenance of any such sign or canopy; such Bond of Indemnity or Policy of Insurance to be continued and in full force and effects during the maintenance and use of any such sign or canopy.

#### DIVISION FOUR - PERMITS

400 No person shall set up, exhibit, alter, or move any sign unless the person so setting up, exhibiting, altering, or moving the sign has first obtained a valid sign permit to so do as herein provided.

401 No person shall maintain or cause or permit to be maintained any sign unless he holds a valid sign permit under the provisions of this By-law.

402 Where a person is required by the provision of this By-law to obtain a valid sign permit, he shall:

(a) Prepare a signed written statement marked with the heading "APPLICATION FOR SIGN PERMIT" composed of numbered paragraphs dealing one at a time with the following matters;

(i) The street address of the proposed site of the sign;

(ii) The full name and address of the person or company for whose benefit the sign is being set up, exhibited, altered or moved, and where the application is made by an agent for such person or company, the name of the agent;

(iii) The full name and address of the person or sign company manufacturing the setting up, exhibiting, altering or moving said sign.

(b) Prepare plans and specifications drawn in accordance with standard architectural practice, to a scale, satisfactory to the authority having jurisdiction showing such information as may be necessary under other District By-laws including:

- (i) The dimensions and the weight of the sign;
- (ii) The area of all sides of the structure used as sign;
- (iii) The dimensions and the weight of the sign's supporting members;
- (iv) The overall height of the sign and the amount of clearance beneath it; both as measured from finished grade;
- (v) The proposed location of the sign in relation to the face of the building or in front of which it is to be affixed;
- (vi) The proposed location of the sign in relation to the boundaries of the lot it is to be situated upon;
- (vii) The colours to be used if the sign is to be illuminated.
- (viii) Any part or the whole of the sign which is to be moving, flashing, or oscillating, if the sign is to be illuminated;
- (ix) The number of feet of illuminated tubing to be installed and the number of incandescent lamps if incandescent lamps are used;
- (x) The size and location of all other signs on the property.

403

Every person applying for a sign permit shall pay to the District of New Hazelton at the time of such application fees according to the following scale:

- (a) For signs not including Special Purpose Signs created simply by painting upon the wall of a building or structure, the fee of .....\$10.00
- (b) For a permit to alter or move a sign for which a permit has been issued, a fee of .....\$ 5.00
- (c) For a temporary permit, the fee of .....\$ 5.00
- (d) For all other signs including Facia Signs, Projecting Signs, Marquee Signs, Freestanding Signs, Billboards and Roof Signs; but not including Special Purpose Signs, the fee of .....\$15.00

404

The Building Inspector shall not later than thirty days after the receipt of an Application for a Sign Permit, issue the appropriate Sign Permit; provided always that he shall not issue any such permit until he has first ascertained that in his opinion the following conditions have been met:

- (a) The proposed sign is:
  - (i) In complete accordance with the specific provisions of this By-law, and
  - (ii) Not such as will necessitate the undertaking of any public improvements;
- (b) The proposed sign is to be sited so as not to conflict unduly with adjacent commercial or other signs; not to conflict in any way with or distract from signs, lights or other devices erected for the control

of traffic or pedestrians;

- (c) The proposed sign is not unsightly, grotesque, or inappropriate as to sitting, design, location or proportion;
- (d) The proposed sign is not dangerous nor a public nuisance by virtue of improper siting;
- (e) The proposed sign conforms to the general principles of the District of New Hazelton Zoning By-law and all amendments thereto.

#### DIVISION FIVE - APPEAL

- (a) In the event the Building Inspector is of the opinion that a proposed sign does not satisfy all of the conditions set forth in this By-law and as a result refuses to issue a permit, the applicant may, within a period of ten days immediately following the date of such refusal, file a written request for an appeal hearing addressed to the District Clerk.
- (b) Upon the District Clerk receiving such a written request, together with a fee of \$10.00 to the District of New Hazelton, he shall arrange for the appeal hearing to be heard by the Council or by a special Board to be appointed by Council for the purpose; and the applicant shall be advised of the time of such hearing and may appear at it personally.
- (c) The majority decision of the Council members or special Board hearing the appeal shall be final and binding and no further appeal shall lie. The District Clerk shall advise the applicant in writing of the decision of the Council or special Board, and in the event that the appeal is granted the District Clerk shall also advise the Building Inspector who shall thereupon issue the appropriate Sign Permit, provided all the other conditions set forth in Section 15 are complied with.

#### DIVISION SIX - STRUCTURAL REQUIREMENTS

600 Every sign shall be maintained at all times in a safe condition.

601 Every sign projecting over public property shall conform to the specifications established by the Canadian Standards Association.

#### DIVISION SEVEN - ENFORCEMENT AND PENALTIES

700 The Building Inspector and his Assistants, and such other person as the Council may authorize by resolution, may enter at all reasonable times upon or into any place or structure governed by this By-law in order to ascertain whether the provisions of this By-law are being complied with.

701 No person shall obstruct or seek to obstruct the entrance into any place or structure of any person acting pursuant to Section 700.

702 Every person who violates or breaches or who causes or allows to be violated or breached any of the provisions of this By-law shall be guilty of an offence against this By-law; and each day that such violation is caused or allowed to continue shall constitute a separate offence.

703 Every person or company who is guilty of an offence against this By-law shall be liable on summary conviction, to a penalty not exceeding a fine of Two Hundred Dollars (\$200.00) and in default of payment, to imprisonment for a period of not to exceed thirty days (30).

DIVISION EIGHT - EXEMPTIONS

800 Whereas the purpose of the Tourist Information Center has the prime purpose of advertising, it shall not be limited to the sign regulations applied to other Commercially Zoned areas. Signs erected in this area shall have the approval of the Council of the District of New Hazelton. [NOTE: In consideration of the agreement to share this facility, the Council of the Village of Hazelton will be consulted when circumstances so require.]

READ A FIRST TIME THE	12th	DAY OF	JULY	, 1983.
READ A SECOND TIME THE	12th	DAY OF	JULY	, 1983.
READ A THIRD TIME THE	12th	DAY OF	JULY	, 1983.
RECONSIDERED and ADOPTED THE	2nd	DAY OF	AUGUST	, 1983.

O. H. Hazelton  
Mayor

B. L. Hunt  
Clerk

CERTIFIED A TRUE COPY OF  
BY-LAW NO.23, AS ADOPTED.

B. L. Hunt  
Clerk

*A true copy of By-Law No. 23  
registered in the office of the Inspector  
of Municipalities this 12<sup>th</sup> day of  
August 1983.*

I. E. Denner  
Deputy Inspector of Municipalities

SCHEDULE "A" OF BY-LAW NO. 23

(1) Every sign of the type listed below in the "TYPE" column shall conform to all of the specifications set forth below in the corresponding "REQUIREMENTS" column.

## REQUIREMENTS

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
FACIA SIGNS	<p>(a) Shall be situated upon the site of the structure or land use to which it refers.</p> <p>(b) Shall not project over public property more than twelve (12) inches.</p>	<p>(a) When situated in area zoned Commercial, Light Industrial, and Manufacturing, and when mounted on the facade of the building, shall be confined in area to the width and height of the premises to which it refers. When mounted on a side or rear wall, shall be in area no greater than three (3) square feet per foot of wall length.</p> <p>(b) When situated in Local Shopping Centres shall be in area no greater than two (2) square feet per foot of wall length upon which they are affixed.</p> <p>(c) When situated in other zoning districts where facia signs are permitted shall be in area no greater than one (1) square foot per foot of wall length upon which they are affixed.</p>	<p>(a) No part of which shall be closer to any point than eight (8) feet from the nearest finished grade of the site upon which they are situated, unless otherwise approved by the authority having jurisdiction.</p>	<p>(a) The top or eave level of the wall to which they are affixed.</p>

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
FREESTANDING SIGNS (GENERAL)	<p>(a) Shall be situated wholly upon the site of the structure of land use to which it refers.</p>	<p>(a) When situated in areas zoned as Commercial, Industrial and Manufacturing they shall be in area no greater than 1.5% of the area of site upon which they are situated to a maximum size area of 250 square feet unless otherwise approved by the authority having jurisdiction.</p>	<p>(a) No part of which shall be closer at any point than eight (8) feet from the nearest finished grade of the site upon which they are situated unless otherwise approved by the authority having jurisdiction.</p>	<p>(a) No part of which shall be further at any point than 25 feet from the nearest finished grade of the site upon which they are situated provided that in the Commercial and Industrial zones this height may be increased, at the discretion of the authority having jurisdiction, to 30 feet for signs greater than 125 square feet in area; 35 feet for signs greater than 150 square feet in area; and 40 feet for signs greater than 175 square feet in area.</p>
	<p>(b) Shall not project over public property.</p>			
	<p>(c) One only Freestanding Sign (General), shall be allowed upon each site, except as provided in part (d) below.</p>			

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
	(d) Where a site abuts two or more public streets two (2) only Freestanding Signs (General) shall be permitted, provided the signs are not less than 100 feet apart.			
MARQUEE SIGNS	(a) Shall be situated upon the site of the structure or land use to which it refers.	(a) When situated in areas zoned as Commercial, Light Industrial, and Manufacturing zones, they shall be in area not greater than two square feet per foot of the wall to which the marquee is affixed providing that the wall in question shall be limited to the business premises related to the sign.	(a) Marquee Signs shall not project below the lower edge of the marquee.	(a) No part of any Marquee Sign shall be higher at any point than the top of the roof line or wall to which the marquee is affixed, provided, however, that in no case shall the top of the sign be higher than 25 feet from the nearest finished grade of the site upon which it is situated.
				(b) Marquee Signs shall not project more than 2.0" x above the lower edge of the marquee.

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
	<p>(b) Marquee Signs shall not project beyond the edge of the marquee more than 6 inches.</p> <p>(c) Shall not project closer than 12 inches to a line vertical to the curb line.</p>			
PROJECTING SIGNS	<p>(a) Shall be situated upon the site of the structure or land use to which it refers and shall not project more than 4'2" over public property.</p> <p>(b) Shall be located in the centre one-third (1/3) of the wall length on which the sign is erected.</p>	<p>(a) When situated in areas zoned as Commercial, Light Industrial, and Manufacturing they shall be in area no greater <math>1 \frac{1}{2}</math> square feet per foot of wall length upon which they are affixed.</p> <p>(b) When situated in other zoning districts where Projecting Signs are permitted shall be in area no greater than <math>\frac{1}{2}</math> square foot per foot of wall length upon which they are affixed.</p>	<p>(a) No part of which shall be closer at any point than nine (9) feet from the nearest finished grade of the site upon which they are situated.</p>	<p>(a) No part of which shall be further at any point than:</p> <ul style="list-style-type: none"> <li>(i) 35 feet from the nearest finished grade of the site upon which they are situated or (ii) Two (2) feet above the eave level of the wall to which they are affixed.</li> </ul> <p>Whichever is the lower.</p>

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
UNDER MARQUEE SIGNS	<p>(a) Shall be situated upon the site of the structure or land use to which it refers.</p> <p>(b) May extend up to five (5) feet over public property when affixed wholly beneath a permanent marquee or walkway covering at a point opposite to a main entrance and perpendicular to the facade of the building.</p> <p>(c) Shall not project closer than 12 inches to a line vertical to the curb line.</p>	<p>(a) Shall be in area no greater than Five (5) square feet and not more than one (1) foot in height.</p>	<p>(a) No part of which shall be closer to any point than eight (8) feet from the nearest finished grade of the site upon which they are situated.</p>	<p>(a) No part of which shall be further at any point than twelve (12) feet from the nearest finished grade of the site upon which they are situated.</p>

TYPE	SITE	MAXIMUM AREA	MINIMUM HEIGHT	MAXIMUM HEIGHT
ROOF SIGNS	<p>(a) Shall be situated wholly upon the structure to which refers.</p> <p>)</p>	<p>(a) When situated in areas zoned Commercial, Light Industrial, and Manufacturing they shall not exceed 250 square feet unless otherwise approved by the authority having jurisdiction.</p>		<p>(a) The structure or framework of such sign measured from the roof level of the main building shall not exceed (25) twenty-five feet.</p>
	<p>(b) Shall have (5) five feet of unobstructed roof space on all sides of the sign.</p> <p>(c) Only one roof sign shall be permitted on each site.</p> <p>)</p>			