



**GITWINKSIHLKW VILLAGE GOVERNMENT**

**SIGN ACT**

Gitwinksihlkw Village Government enacted this law on \_\_\_\_\_

Signed by

\_\_\_\_\_  
Chief Ron Nyce  
Chief Councillor of the Gitwinksihlkw Village Government

SIGN ACT

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**Interpretation**

## 1. In this Act

“commercial zone” means land zoned for commercial use under the Zoning Act;

“Enforcement Officer” means a person appointed by the Nisga’a Village Government as an enforcement officer for the purposes of ensuring compliance with this Act and carrying out the responsibilities of the Enforcement Officer under this Act, a member of the Nisga'a Police Service or a member of the Royal Canadian Mounted Police;

“Fees and Charges Act” means the Nisga'a Village Government *Fees and Charges Act*, as may be amended or replaced from time to time;

“industrial zone” means land zoned for industrial use under the Zoning Act;

“*Motor Vehicle Act*” means the *Motor Vehicle Act*, R.S.B.C. 1996 Ch. 318, as may be amended or replaced from time to time;

“Nisga’a Village” means the Nisga’a Village of Gitwinksihlkw;

“Nisga’a Village Government” means the governing council of the Nisga’a Village;

“permit” means a permit required by or issued under this Act;

“residential zone” means land zoned for residential use under the Zoning Act;

“setback” has the meaning set out in the Zoning Act;

“sign” means an exterior painting, illustration or description including a sign displayed on the interior surface of an exterior window used to advertise, identify or communicate information or attract the attention of the public and includes any structures supporting a sign;

“sign, area” means the entire area of a sign on which copy could be placed;

“sign, advertising” means a sign which identifies or directs attention to a business, profession, commodity or place of entertainment upon the site at which the sign is located. Advertising signs may also refer to the goods or services produced, offered for sale or obtainable at the site;

“sign, billboard” means a sign which directs attention to a business, commodity, service or entertainment which is sold or offered elsewhere than on the site at which the sign is located;

“sign, canopy” means a sign attached to or constructed in or on the face of a canopy;

“sign, community activity” means a sign or banner indicating a community cause, festivity or event including charitable fund raising campaigns;

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“sign, contractor” means a sign erected on the site of the building or structure proposed or currently under construction displaying the name of the building, owners, architects, consultants and contractors;

“sign, directional” means a non-advertising sign designed to direct pedestrian or vehicular traffic;

“sign, fascia” means a flat sign which is affixed, painted or attached to the face of a wall, the sign running parallel for its whole length, and which does not project more than 0.3 metres (9 inches) from the face of the wall;

“sign, flashing” means an illuminated sign which contains an intermittent or flashing light source or which exhibits noticeable changes in light intensity. Signs which produce the effect of sudden change in light or colour by means of revolution only shall also be deemed to be flashing signs;

“sign, freestanding” means a sign, independently supported from a building or other structure and permanently fixed to the ground;

“sign, height” means the vertical distance measured from the highest point of the sign to the natural or finished grade;

“sign, identification” means a sign which is limited to the name, address and number of a building, institution or person;

“sign, marquee” means a sign which projects more than 0.3 metres (9 inches) from the face or wall of a building, but does not include a canopy sign or fascia sign;

“sign, political” means a sign erected to promote the voting at an election, or the election of a particular candidate or the voting for or support of a particular cause at an election;

“sign, portable” means a sign not fixed to the ground or a building but does not include signs affixed to motor vehicles;

“sign, prohibition” means a fascia or free standing sign indicating a prohibition or penalty respecting the property on which it is situated;

“sign, real estate” means a sign which indicates that a building or property on which the sign is located is for sale, rent or lease;

“sign, revolving” means a sign, all or part of which revolves or rotates, or partly revolves or rotates, but does not include animated signs;

“sign, roof” means a sign erected upon the roof or above the eaves or the parapet of a building, the entire face of which is situated above the roof line of the building to which it is attached. Roof signs shall exclude fascia signs which are affixed to elevator or ventilation machines on the roof of a building;

“sign, warning” means a sign indicating that a danger to health, life or property exists;

“stop-work notice” has the same meaning as in the Nisga'a Village Government *Building Regulations Act*;

“traffic control device” means a sign, traffic control signal, line, parking meter, marking, space, barricade, or other device, placed or erected under this Act;

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“*Transportation Act*” means the *Transportation Act*, R.S.B.C. 1996 Ch. 44, as may be amended or replaced from time to time; and

“*Zoning Act*” means the Nisga'a Village Government *Zoning Act*, as may be amended from time to time;

**Application**

2. This Act applies to all lands and persons within the jurisdiction of the Nisga'a Village.

**Part 1 – Exemptions, Permits and Prohibitions****Signs**

3. Signs may be constructed, erected, installed, placed or maintained within the jurisdiction of the Nisga'a Village only in conformance with the standards, procedures, exemptions and other requirements of this Act.

**Permits**

4. (1) No person shall commence or carry on the construction, erection, installation, placement or repair or alteration of a sign until application and approval for a sign permit has been obtained from the Enforcement Officer and the required fees paid in accordance with the Fees and Charges Act.
- (2) The following signs do not require a permit but shall conform to all other applicable requirements of this Act:
  - (a) real estate signs;
  - (b) political signs; and
  - (c) home identification signs.

**Exemptions**

5. This Act does not apply to signs erected by the Nisga'a Village, including but not limited to:
  - (a) signs installed or authorized under the Nisga'a Village Government *Street and Traffic Act* for the control of traffic;
  - (b) signs indicating street names and directions; and
  - (c) signs indicating hazards, prohibitions and penalties.

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**Prohibitions**

6. (1) No sign shall by reason of its location, colour or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic.
- (2) The following signs shall not be permitted:
  - (a) roof signs;
  - (b) billboard signs; or
  - (c) flashing or intermittent signs.

**Part 2 -- Sign Projections, Setbacks, and Heights****Sign Projections and Setbacks**

7. (1) No sign or part thereof shall project over a highway right-of-way or public property except as approved by the Enforcement Officer.
- (2) No sign except a freestanding sign shall be located in a required setback.
- (3) A sign may project into a required setback but the projection shall not exceed 1.0 metres (3.28 feet).

**Sign Height**

8. (1) No sign shall exceed an overall height of 9.0 metres (30 feet).
- (2) No sign shall project above the roof line to which it is attached.
- (3) Subject to subsection 8(1), no freestanding sign is permitted to exceed 1.25 times the height of the principal building on the lot.
- (4) Fascia signs in the commercial zone may extend above the roof line to a maximum of 1.52 metres (5 feet).

**Permitted Signs**

9. Subject to the *Motor Vehicle Act* and the *Transportation Act*, the following signs are permitted in the specified zones in accordance with the following provisions:
  - (1) residential zone
    - (a) traffic control devices

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- (i) restricted to public rights-of-way;
  - (b) warning signs
    - (i) shall be located on the property or premises to which the warning refers;
    - (ii) the total area of all warning signs shall not exceed 0.2 m<sup>2</sup> (2 sq. ft.); and
    - (iii) shall be removed after the danger to which the sign refers has abated;
  - (c) prohibition signs
    - (i) shall be located on the property or premises to which the prohibition refers;
    - (ii) shall not exceed 0.09 m<sup>2</sup> (1 sq. ft.); and
    - (iii) shall not exceed 2 signs per lot;
  - (d) political signs
    - (i) shall not be erected for a period exceeding the length of writ governing an election and shall be removed within 7 days after the election; and
    - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
  - (e) real estate signs
    - (i) shall be located on the property or premises to which the sign refers;
    - (ii) shall not exceed 0.75 m<sup>2</sup> (8 sq. ft.); and
    - (iii) shall be removed within 30 days after the property or premises are sold or leased;
  - (f) contractor signs
    - (i) shall be located on the property to which the sign refers;
    - (ii) total area of all contractor signs shall not exceed 1.48 m<sup>2</sup> (16 sq. ft.); and
    - (iii) shall be removed within 30 days after completion of construction on the property;
  - (g) identification signs
    - (i) shall be located on the property or premises to which the sign refers;
    - (ii) shall only be one identification sign per dwelling unit excluding a home occupation sign; and

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- (iii) shall not exceed 0.2 m<sup>2</sup> (2 sq. ft.);
  - (h) directional signs
    - (i) shall be located on the property where the sign is providing direction; and
    - (ii) shall not exceed 0.55 m<sup>2</sup> (6 sq. ft.) in area;
  - (i) freestanding signs
    - (i) there shall be only one freestanding sign per lot except where a lot has a second frontage exceeding 100 metres (328 feet), in which case two freestanding signs per lot are permitted;
    - (ii) shall not exceed 12 m<sup>2</sup> (130 sq. ft.) in sign area; and
    - (iii) shall not be located within 7.6 metres (25 feet) of any residential zone;
  - (2) commercial zone
    - (a) traffic control devices
      - (i) are restricted to public rights-of-way;
    - (b) directional signs
      - (i) shall be located on the property where the sign is providing direction; and
      - (ii) shall not exceed 0.55 m<sup>2</sup> (6 sq. ft.) in area;
    - (c) warning signs
      - (i) shall be located on the property or premises to which the warning refers;
      - (ii) the total area of all warnings signs shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
      - (iii) the maximum area per sign shall not exceed 1.48 m<sup>2</sup> (16 sq. ft.); and
      - (iv) shall be removed after the danger to which the sign refers has abated;
    - (d) prohibition signs
      - (i) shall be located on the property or premises to which the prohibition refers; and
      - (ii) shall not exceed 0.18 m<sup>2</sup> (2 sq. ft.);
    - (e) community activity signs

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- (i) shall not be erected for a period exceeding 60 days; and
  - (ii) the total area of all community activity signs shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
- (f) political signs
- (i) shall not be erected for a period exceeding the length of writ governing an election and shall be removed within 7 days after the election; and
  - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
- (g) real estate signs
- (i) shall be located on the property or premises to which the sign refers;
  - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.) in area per lot or per premise; and
  - (iii) shall be removed within 30 days after the property is sold or leased;
- (h) contractor signs
- (i) shall be located on the property to which the sign refers;
  - (ii) the total area of all contractor signs shall not exceed 5.94 m<sup>2</sup> (64 sq. ft.) per lot or per building; and
  - (iii) shall be removed within 30 days after completion of construction on the property;
- (i) identification signs
- (i) shall be located on the property or business to which the sign refers;
  - (ii) shall only be one identification sign per business; and
  - (iii) shall not exceed 0.2 m<sup>2</sup> (2 sq. ft.);

The following advertising signs are permitted:

- (j) canopy signs
- (i) shall not extend above the roof line or horizontal limits of the canopy;
  - (ii) shall provide a minimum clearance of 2.5 metres (8 feet) from the finished grade; and
  - (iii) shall not exceed 1 m<sup>2</sup> (10.76 sq.ft.) in sign area for every 3 m<sup>2</sup> (32 sq. ft.) of canopy;

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- (k) fascia signs
- (i) shall not extend above or beyond the limits of the building face to which it is attached;
  - (ii) the sign area shall not exceed 25% of the wall to which they are attached; and
  - (iii) the signs may extend above the roof line to a maximum of 1.52 metres (5 feet);
- (l) freestanding signs
- (i) there shall be only one freestanding sign per lot, except where a lot has a second frontage exceeding 100 metres (328 feet), in which case two freestanding signs per lot are permitted;
  - (ii) shall not exceed 12 m<sup>2</sup> (130 sq.ft.) in sign area; and
  - (iii) shall not be located within 7.6 metres (25 feet) of any residential zone; and
- (m) marquee signs
- (i) shall be a minimum of 2.5 metres (8 feet) above the finished grade;
  - (ii) not more than two shall be permitted per building; and
  - (iii) the total sign area of all marquee signs shall not exceed 10 m<sup>2</sup> (107 sq. ft.);
- (n) portable signs
- (i) not more than two shall be permitted on any lot; and
  - (ii) the total sign area for any portable sign shall not exceed 5.94 m<sup>2</sup> (64 sq. ft.);
- (3) industrial zone
- (a) traffic control devices
    - (i) are restricted to public rights-of-way;
  - (b) directional signs
    - (i) shall be located on the property where the sign is providing direction; and
    - (ii) shall not exceed 1.48 m<sup>2</sup> (16 sq. ft.);
  - (c) warning signs
    - (i) shall be located on the property or premises to which the warning refers;

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- (ii) shall not exceed 5.94 m<sup>2</sup> (64 sq. ft.); and
  - (iii) shall be removed after the danger to which the sign refers has abated;
  - (d) prohibition signs
    - (i) shall be located on the property or premises to which the prohibition refers; and
    - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
  - (e) community activity signs
    - (i) shall not be erected for a period exceeding 60 days; and
    - (ii) community activity signs shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
  - (f) political signs
    - (i) shall not be erected for a period exceeding the length of writ governing an election and shall be removed within 7 days after the election; and
    - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.);
  - (g) real estate signs
    - (i) shall be located on the property or premises to which the sign refers;
    - (ii) shall not exceed 2.97 m<sup>2</sup> (32 sq. ft.) in area per lot or premise; and
    - (iii) shall be removed within 30 days after the property is sold or leased;
  - (h) contractor signs
    - (i) shall be located on the property to which the sign refers;
    - (ii) shall not exceed 5.94 m<sup>2</sup> (64 sq. ft.); and
    - (iii) shall be removed within 30 days after completion of construction on the property;
  - (i) identification signs
    - (i) shall be located on the property to which the sign refers;
    - (ii) shall only be one identification sign per business; and
    - (iii) shall not exceed 0.74 m<sup>2</sup> (8 sq. ft.);

The following advertising signs are permitted:

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- (j) canopy signs
- (i) shall not extend above the roof line or horizontal limits of the canopy;
  - (ii) shall provide a minimum clearance of 2.5 metres (8feet) from the finished grade; and
  - (iii) shall not exceed 1 m<sup>2</sup> (10.76 sq. ft.) in sign area for every 3 m<sup>2</sup> (32 sq. ft.) of canopy;
- (k) fascia signs
- (i) shall not extend above or beyond the limits of the building face to which it is attached; and
  - (ii) sign area shall not exceed 25% of the wall to which they are attached;
- (l) freestanding signs
- (i) there shall be only one freestanding sign per lot, except where a lot has a second frontage exceeding 100 metres (328 feet), in which case two freestanding signs per lot are permitted;
  - (ii) shall not exceed 12 m<sup>2</sup> (130 sq. ft.) in sign area; and
  - (iii) shall not be located within 7.6 metres (25 feet) of any residential zone;
- (m) marquee signs
- (i) shall be a minimum of 2.5 metres (8 feet) above the finished grade;
  - (ii) not more than two shall be permitted per building; and
  - (iii) the total area of all marquee signs shall not exceed 10 m<sup>2</sup> (107 sq. ft.);
- (n) portable signs
- (i) not more than two shall be permitted on any lot; and
  - (ii) the total sign area for any portable sign shall not exceed 5.94 m<sup>2</sup> (64 sq. ft.).

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**Part 3 – General****Severability**

10. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

**Enforcement Officer**

11. (1) The Nisga'a Village Government may appoint one or more Enforcement Officers to enforce this Act.
- (2) An Enforcement Officer is hereby authorized to enter, at all reasonable times, upon any property subject to this Act to ascertain whether the provisions of this Act are being observed.

**Violations**

12. Any of the following shall be a violation of this Act and shall be subject to the enforcement remedies and penalties provided by this Act and by the Zoning Act:
- (a) installing, creating, erecting, or maintaining any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
  - (b) installing, creating, erecting, or maintaining any sign requiring a permit without such a permit;
  - (c) installing, creating, erecting or maintaining any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
  - (d) failing to remove any sign that is installed, created, erected, or maintained in violation of this Act, or for which the sign permit has lapsed; or
  - (e) continuing any such violation.

**Offence, Penalties and Enforcement**

13. (1) Every person who contravenes any of the provisions of this Act, who suffers or permits any act to be done in violation of this Act, who suffers or permits any act to be done in violation of this Act, or who fails or neglects to do anything required to be done by this Act commits an offence and, for which a specific penalty has not otherwise been designated, shall be liable to a fine of not less than \$25.00 or more than \$2,000.00 for each offence.
- (2) A violation of this Act shall also be considered a violation of the Zoning Act. The remedies available to the Nisga'a Village are cumulative and include the following:
- (a) issuing a stop-work notice for any and all work on any signs on the same zone lot;

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- (b) imposing any penalties that can be imposed directly by the Nisga'a Village under the Zoning Act; and
  - (c) in the case of a sign that poses an immediate danger to public health or safety, taking such measures as are available to the Nisga'a Village under the applicable provisions of the Zoning Act and Nisga'a Village Government *Building Regulations Act* for such circumstances.
- (3) Each day that an offence continues shall constitute a separate offence.
- (4) This Act may be enforced:
- (a) under the *Nisga'a Offence Act*;
  - (b) by issuing a ticket for contravention in accordance with any Nisga'a Village Government ticketing law as may be adopted or amended from time to time; or
  - (c) by issuing a ticket under any applicable enactment by the Nisga'a Lisims Government authorizing the Nisga'a Village Government to issue tickets, fines or penalties in respect of a contravention of this Act.

**Commencement**

14. This Act comes into force on the date of adoption.

**Sign Act Read a first time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Sign Act Read a second time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Sign Act Read a third time** the \_\_\_\_ day of \_\_\_\_\_, 2014.

**Sign Act Adopted** the \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**Chief Councillor**

\_\_\_\_\_  
**Chief Executive Officer**