



CORPORATION OF THE  
DISTRICT OF TOFINO

**District of Tofino Sign Control Bylaw No. 1193, 2014**

Effective Date – August 19, 2014

**DISTRICT OF TOFINO SIGN CONTROL BYLAW NO.1193, 2014**

**DISTRICT OF TOFINO**

**SIGN CONTROL BYLAW NO. 1193, 2014**

A Bylaw to regulate the number, size, type, form, appearance, and location of any sign under the jurisdiction of the District of Tofino.

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## DISTRICT OF TOFINO SIGN CONTROL BYLAW NO.1193, 2014

**WHEREAS** pursuant to section 908 of the *Local Government Act*, the Council of the District of Tofino may regulate the number, size, type, form, appearance and location of any signs within the District of Tofino and make different provisions for different zones, different uses within a zone and for different classes of highways.

**AND WHEREAS** pursuant to sections 8(4) and 65 of the *Community Charter*, the Council of the District of Tofino may regulate and impose requirements respecting the erection, placement, alteration, maintenance, demolition and removal of signs, sign boards, advertisements, advertising devices and structures.

**AND WHEREAS** pursuant to section 260 of the *Community Charter*, the Council of the District of Tofino may make bylaws for the purposes of enforcing District of Tofino bylaws.

**AND WHEREAS** pursuant to section 15 of the *Community Charter*, the Council of the District of Tofino may provide for a system of licences, permits or approvals.

**AND WHEREAS** pursuant to section 16 of the *Community Charter*, authorized representatives of the District may enter on or into a property to inspect and determine whether all regulations and requirements are being met.

**AND WHEREAS** pursuant to section 17 of the *Community Charter*, the authority to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the District of Tofino may fulfill the requirement at the expense of the person and recover the costs incurred from that person as a debt.

**NOW THEREFORE** the Council of the District of Tofino, in open meeting assembled, enacts as follows:

### 1. Citation

This Bylaw may be cited for all purposes as “The District of Tofino Sign Control Bylaw No. 1193, 2014”.

### 2. Definitions

In this Bylaw, unless the context otherwise requires:

**Abandoned Sign** means any *sign* which no longer serves its previously intended purpose, or which is not maintained as required by this Bylaw. *Signs* which are not in use for a period of 6 months or longer will be considered abandoned.

**Address Sign** means a permanent *sign* displaying the civic address or the name of the *owner* or *occupier* of any land, building, *structure*, business or establishment located on the same parcel as the sign.

**Animated Sign** means a *sign* that moves or depicts movement by any means including intermittent, strobe, flashing or oscillating lights, or mechanical rotation or other movement. Animated signs do not include *electronic message board signs*.

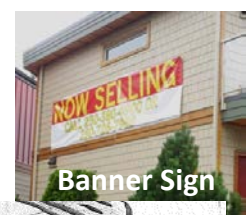
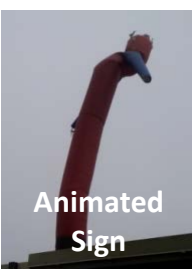
**Arterial Highway** means an arterial highway as defined by the *Transportation Act*.

**Awning** means a shelter supported entirely by the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

**Awning Sign** means a *sign* displayed on a *canopy* or *awning*.

**Banner Sign** means a *sign* composed of lightweight, non-rigid material such as vinyl, cloth, or canvas whether affixed to a building face or suspended in any way.

**Beach** means pebbly or sandy shores between high and low



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water marks and includes, but is not limited to, Tonquin Beach, Middle Beach, Mackenzie Beach, North Chesterman Beach, South Chesterman Beach and Cox Bay Beach.

**Building** means a *building* as defined by the current District of Tofino Building Bylaw.

**Building Directory Sign** means a *sign* affixed to a *building face* or a freestanding sign adjacent to the main entrance of a multi-tenanted building or complex and identifying the names, uses or locations of individual *business premises* located within the building.



**Building Inspector** means a building inspector as defined by the *Community Charter*.

**Building Face** means a building wall having a single primary orientation and a single plane exclusive of minor articulations and architectural features, and generally shown on building drawings as a building elevation.

**Bulletin Board** means a notice board in a publicly accessible location sheltered from the weather where members of the public may place posters, signs or bills.

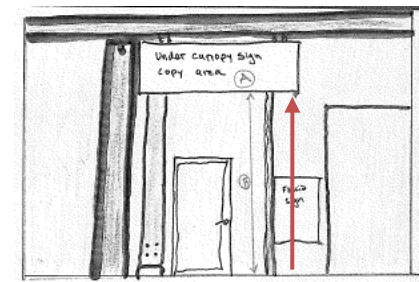


**Bus Shelter Sign** means a *sign* on a shelter *structure* or bench intended to serve bus patrons and situated on land which adjoins a bus stop in ordinary use by a bus servicing the public.

**Business** means a business as defined in the *Community Charter*.

**Business Premises** means that part of a *building* or parcel owned or occupied for the purpose of conducting of a business or service.

**Canopy** means a hood, cover or shelter projecting from a *building face* and constructed of rigid materials such as metal and glass.

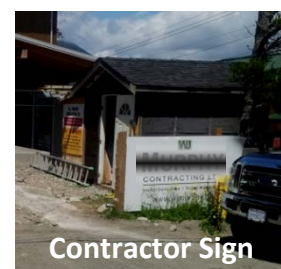


**Changeable (Manual) Sign** – means a sign in or which the information that is displayed can be changed manually using detachable letters, characters, words, numbers or illustrations.

**Clearance** means the vertical distance between the underside of a *sign* and finished grade directly below.

**Community Activity Sign** means a *temporary sign* identifying an upcoming public event or activity.

**Construction Project Sign** means a *temporary sign* identifying the nature of a construction project, owner, general contractor, architects, engineers, sub-trades and others associated with the planning, design, development and financing of the project.



**Contractor Sign** means a *temporary sign* identifying individual contractors or sub-contractors involved in the construction, renovation or demolition occurring on a parcel.

**Copy** in respect of a *sign* means the letters, characters, numbers or graphics that make up the message on the *sign*.

**Designated Municipal Officer** means the Chief Administrative Officer (CAO) or a member of *District* staff designated by the CAO to be responsible for *sign* permit approvals under this Bylaw.

**District** means the District of Tofino.

**District Directory Sign** means any *District* owned and managed *freestanding* wood sign with a *sign area* of up to 3m<sup>2</sup> which provides community information and direction and on which businesses and community groups may, with the District's permission, provide



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information to the public.

**Electronic Message Board** means an electronically powered *sign* displaying moving or changing messages or other information.

**Fascia Sign** means a *sign* attached to a *building face* with its display surface in a plane parallel to the *building face*, but does not include a *banner* or a billboard.

**Freestanding Sign** means any *sign* wholly or partially supported by a *structure* which is independent of any building or other *structure*, but does not include a billboard, *banner* or *sandwich board sign*.

**Frontage** means the property line of a *parcel* abutting a *highway*.

**Fuel Station** means any *parcel* or *business premises* used or equipped to be used for the retail sale and dispensing of motor fuels, motor oils and propane.

**Grade** means the elevation of the surface of the ground.

**Highway** means a *highway* as defined by the *Transportation Act*.

**Identification Sign** means a permanent *sign* that is located on a parcel and relates to or identifies a use on that parcel.

**Illuminated** in respect of a *sign* means having an internal light source or designed to reflect light from an external source intentionally directed at the *sign*.

**Mural** means an artistic rendering or drawing painted or otherwise applied to a *building face* which is intended as a public display but does not include a *fascia sign*.

**Non-Profit** means a corporation or an association that conducts business for the benefit of the general public without shareholders and without a profit motive.

**Notice Board Sign** means a small *sign* whose content can be changed to display menus, specials, tour times and similar business information.

**Occupier** means an occupier as defined by the *Community Charter*.

**Owner** means an owner as defined by the *Community Charter*.

**Parcel** means a parcel as defined by the *Community Charter*.

**Person** means a person as defined in the *Interpretation Act*.

**Political Sign** means a *sign* containing only messages relating to a public election or referendum.

**Projecting Sign** means a *sign* which is attached to and projects perpendicularly from a *building face* but does not include a *canopy* or *awning sign*.

**Public Wayfinding Sign** means a *sign* erected and maintained by the *District* for directing members of the public to non-commercial services and premises.

**Real Estate Sign** means a *sign* indicating that the parcel or *business premises* on which it is located is for sale, rent or lease.

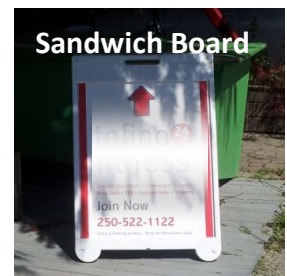
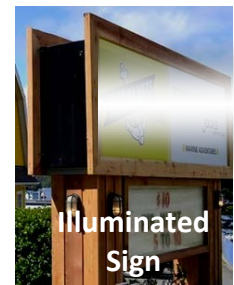
**Roof Line** means the line formed by the top edge of the exterior walls of a building including a false roof extending above the main roof line where the roof intersects with the exterior walls.

**Roof Sign** means a *sign* erected, painted, or placed on top of the roof or parapet of a *building* or *structure*, or wholly or partly above a *roof line* of a building.

**Sandwich Board Sign** means a two faced *temporary sign* hinged at the top edge and usually placed on a sidewalk or the edge of a *highway*.

**Sight Line** means sight line as defined by the *Transportation Act*.

**Sign** means any *structure*, device or visual display which communicates information about or attracts the attention of the public to a product, place, activity, person, service, institution, use or business.

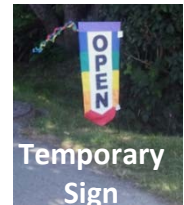


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**Sign Area** means the total area within the outer edge of the frame or border of a *sign*, but where a *sign* has no frame or border or background, means the area contained within the shortest line surrounding the copy. Where a *sign* has more than one side, the *sign area* is the total of the *sign areas* on all sides, unless otherwise specified in this Bylaw.



**Sign Height** means the vertical distance measured from the highest point of the *sign* or its supporting *structure* to the elevation of the grade directly below the *sign*.



**Structure** means any construction installed on, supported by or sunk into land or water, but does not include fences, hard-surfaced areas intended for pedestrian or vehicle movement or parking, or retaining *structures* 1.5 meters or less in height.

**Subdivision Identification Sign** – means a *sign* identifying a subdivision or multi-family residential development and contains no additional information.

**Temporary Sign** means a *sign* not permanently affixed to the ground or a building, and includes sandwich board and banner signs.

**Tent Sign** means a sign attached to or located on a freestanding tent.

**Third Party Advertising** means any sign which communicates information about, or attracts the attention of the public to, a product, place, activity, person, service, institution, use or business not offered or occurring on the parcel on which the sign is located, but does not include bus shelter signs, *Public Wayfinding Signs* or *Directory Signs*.

**Under Canopy Sign** means a sign affixed beneath a permanent canopy, awning, building, arcade or *structure* and does not include a *projecting* sign or a *banner sign*.



**Vehicle** – means a vehicle as defined in the *Motor Vehicle Act*.

**Window Sign** means a sign painted on or affixed to a window.

**Zone** means a zone designated by the current District of Tofino Zoning Bylaw.

### 3. Application of Sign Bylaw

- (1) No person shall erect, place, alter, maintain, demolish or remove, or permit the erection, placement, alteration, maintenance, demolition or removal of a *sign*, sign board, advertisement, advertising device or advertising *structure* within the *District* unless it complies with this Bylaw.
- (2) A *sign* may be erected, placed, altered, maintained, demolished or removed within the *District* where all provisions of this Bylaw are satisfied, including a valid sign permit for the *sign*, where required.
- (3) Notwithstanding any other provisions of this Bylaw, the following types of *signs* are exempt from this Bylaw:
  - (a) Visual displays consisting solely of goods placed inside a building and visible through a window;
  - (b) A sign on or over a *District* road for the control of traffic or parking, or for street names, or directions where the *signs* are placed by or with the approval of the *District*;
  - (c) Traffic control devices placed pursuant to the Motor Vehicle Act;
  - (d) Notices issued by, or required by, the *District*, the Government of British Columbia or the Government of Canada;
  - (e) *Bus Shelter Signs* placed by or with the approval of the *District*;
  - (f) Private celebration and holiday decorations of a temporary, or seasonal nature, displayed for not more than 30 days; and

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- (g) Gravestones, cornerstones, plaques, and other markers placed for historical, commemorative or memorial purposes, placed by or with the approval of, the *District*.

### **4. Prohibited Signs**

- (1) Signs that are not specifically permitted in this Bylaw are prohibited. Without restricting or limiting the generality of the previous statement, the following types of *signs*, sign boards, advertisements, advertising devices and advertising *structures* are prohibited:
  - (a) *Signs* placed or erected and oriented such that any portion of the *sign area* is visible by pedestrians on any *beach* during any season.
  - (b) *Abandoned signs*;
  - (c) *Projecting signs*;
  - (d) *Animated signs* and *signs* which produce sound intended to attract attention;
  - (e) Wind activated devices designed to attract attention with movement, including ribbons, balloons and similar inflatable devices;
  - (f) Neon colours;
  - (g) *Electronic message boards* except as permitted in section 9;
  - (h) *Sandwich board, banner* and other *temporary signs* except as permitted in *section 9*;
  - (i) *Signs* which obstruct a parking or loading space required by the *Zoning Bylaw*;
  - (j) *Signs* attached to or located on any vehicle, boat or trailer parked so as to be visible from an *arterial highway* or *District* road for the principal purpose of advertising, including *signs* placed within a vehicle so as to be visible from outside the vehicle. This section does not prohibit any form of permanent signage attached to or painted on a motor vehicle for the purposes of identifying the owner or operator of the vehicle and goods or services it contains or provides;
  - (k) *Signs* that obstruct any part of a doorway, window, passageway, fire escape, walkway, *highway*, sidewalk or similar feature;
  - (l) *Signs* erected or placed on trees;
  - (m) *Roof signs* projecting more than 0.3m over the *roof line*;
  - (n) *Freestanding signs* placed within and perpendicular to view slots, vistas, view corridors and viewscapes identified in Schedule B;
  - (o) *Third party advertising signs* except as permitted by this bylaw; and
  - (p) *Changeable (Manual) Signs* except as permitted by this bylaw.

### **5. General Requirements for All Signs**

- (1) Unless otherwise provided for by this Bylaw, a *sign* for a *business premises* must be erected or placed only on that portion of the *parcel* that is occupied by the *business* or activity to which the *sign* relates.
- (2) All sign illumination should adhere to the following guidelines:
  - (a) All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as provided for in the exemptions below, and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens); and
  - (b) In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
- (3) A person must not erect or place, or cause to be erected or placed, a *sign* on or over an *arterial highway*, *District* road or any other District property or right-of-way unless the owner of the business premises to which the sign pertains has entered

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- into an encroachment agreement with the District, in a form acceptable to the *District*.
- (4) A *sign* shall not be erected or placed within the provincial *arterial highway* of Highway 4 (Campbell St.) unless the *sign* has been approved by the Ministry of Transportation and Infrastructure and is otherwise in compliance with this Bylaw.

### 6. Regulated Signs Not Requiring a Permit

- (1) The following signs **do not require a sign permit** but **must conform** to all other provisions of this Bylaw, unless otherwise specified:
- (a) *Address Signs* not exceeding 0.3m<sup>2</sup> in *sign area*;
  - (b) *Signs* indicating that premises are open, closed or vacant, with a maximum *sign area* of 0.3m<sup>2</sup>;
  - (c) *Real Estate, Construction Project and Contractor Signs* provided that such *signs*:
    - (i) do not exceed 3m<sup>2</sup> in *sign area*;
    - (ii) are limited to one *sign* per development or real estate transaction;
    - (iii) are placed only on an *arterial highway* or *District* road frontage side of any parcel;
    - (iv) are removed within 30 days of completion of the real estate transaction or occupancy of the premises or other completion of the development in question; and
    - (v) are not *illuminated*.
  - (d) *Bus Shelter Signs*;
  - (e) *District Public Wayfinding Signs*;
  - (f) *District Directory Signs* provided that such *signs*:
    - (i) are constructed from individual weather protected cedar planks measuring 45cmx150cmx5cm;
    - (ii) are erected by the *District* for the direction of members of the public; and
    - (iii) are not more than 3.5m in height.
  - (g) *Political Sign* provided that such *sign*:
    - (i) is erected not more than 30 days prior to the election in question; and
    - (ii) is removed within 7 days after the election.
  - (h) *Bulletin Board* provided that such *sign*:
    - (i) is located in "P" zones or in zones where retail sales or commercial uses are permitted;
    - (ii) does not exceed 3m<sup>2</sup> in *sign area*;
    - (iii) is attached to a building as a *fascia sign*; and
    - (iv) is located in a weather protected and landscaped area.
  - (i) *Community Activity Sign* provided that such *sign* is erected and maintained by the *District*.
  - (j) *Tent Signs* provided that:
    - (i) the tent has been erected as part of a community event for a maximum of 150 hours in 30 days.
  - (k) One *Temporary Sign* may be erected or placed at the intersections of Campbell Street in the vicinity of the wharfs in relation to fish sales off the dock by the operator of each commercial fishing vessel having a Department of Fisheries and Oceans license to sell fish. Such *signs* shall not be located in an area that would obstruct motorist *sight lines* or pedestrian circulation.
- (2) A *sign* permit is not required under this Bylaw for a *sign* that is authorized by a development permit, and in such cases the *sign* need not conform to any provision of this Bylaw that has been varied by the development permit.

### 7. Signs Requiring a Permit

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- (1) The following *signs* are permitted in **all zones** subject to the following provisions hereinafter set forth:
- (a) *Identification Sign*
    - (i) may be a *freestanding sign* or a *fascia sign*;
    - (ii) shall be a carved or cast *sign* or a *sign* with raised or recessed lettering or logos;
    - (iii) shall not exceed 0.6m<sup>2</sup> in *sign area*; and
    - (iv) shall be placed to face an *arterial highway*, *District road* or another public area.
  - (b) *Building Directory Sign*
    - (i) are permitted only in multi-tenanted *buildings* or *plazas*;
    - (ii) shall not exceed a *sign height* of 3.5.m;
    - (iii) shall not exceed a *sign area* of 3.5m<sup>2</sup>;
    - (iv) shall not exceed 0.6m<sup>2</sup> in *sign area* per *business premises*; and
    - (v) requires a sign permit for the *building directory sign* and for each *business premises sign*.
  - (c) *Subdivision Identification Sign*
    - (i) shall not exceed a *sign height* of 3m; and
    - (ii) shall not exceed a *sign area* of 3m<sup>2</sup>.
- (2) In **zones where retail sales or commercial uses** are permitted the *District* intends to preserve and enhance a consistent “west coast natural” theme and for that purpose:
- (a) The materials used in *freestanding* and *fascia signs* requiring a permit shall be predominantly natural materials, such as wood or metal traditionally tooled and finished. The preferred signage is carved wooden signs with logos and lettering recessed or raised against the background, and with the background area finished in natural wood tones.
- (3) In **zones where retail sales, commercial uses and industrial uses** are permitted:
- (a) A maximum of two *signs* are permitted per *building face*;
  - (b) A maximum of two *building faces* per building are permitted to display *signs*;
  - (c) Notwithstanding any other provisions of this Bylaw where a multi-tenanted building has only one *face*, a maximum of one sign per *business premise* is permitted;
  - (d) The total *sign area* on any one *building face* shall not exceed 30% of the area of the *building face*;
  - (e) In addition to the *signs* permitted under subsection (a), one *sign* in a *building directory* and one *notice board sign* under 0.6m<sup>2</sup> is permitted per *business premises*;
  - (f) *Third Party advertising* shall not exceed 10% of a *building face area*; and
  - (g) The following *signs* are permitted:
    - (i) *Under Canopy Sign*
      - 1. No more than 1 *under canopy sign* is permitted for each *business premises*; and
      - 2. The lowest part of an *under canopy sign* or supporting *structure* shall have *clearance* of least 2.5m.
    - (ii) *Fascia Sign*
      - 1. *Fascia sign area* shall not exceed thirty percent 30% of the area of the *building face* to which the sign is attached;
      - 2. A *fascia sign* shall not project more than 45cm from the *building face* to which it is attached; and
      - 3. A *fascia sign* may project up to 30cm over a *roof line*.
    - (iii) *Window Sign*
      - 1. A *window sign area* shall not exceed 40% of the area of the window, excluding open, closed or vacancy *signs*; and

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2. A *window sign* area may be the area of one window or may be the *building face* area covered by windows.

(iv) *Freestanding Sign*

1. No more than 1 *freestanding sign* shall be located on a parcel;
2. A *freestanding sign* may be used to display more than one on-premises business where each business has a permit for the *sign* displayed;
3. The total *sign area* shall not exceed 3.5m<sup>2</sup>;
4. *Third Party advertising* is not permitted on *freestanding signs*;
5. The height of a *freestanding sign* shall not exceed 3.5 m nor exceed a height of 3.5 m measured from the centerline elevation of any *arterial highway* or *District* road abutting the parcel on which the *sign* is located;
6. *Freestanding signs* shall be set back a minimum of 0.2 m from pedestrian pathways; and
7. A *freestanding sign* shall be located within any landscaped area in existence at the time the *sign* is erected or placed, unless this requirement conflicts with any other provision of this Bylaw.

(v) *Awning Sign*

1. An *awning sign* shall be affixed to the *business premises* to which the *sign* pertains;
2. A *building face* of a *business premises* shall not have more than 1 *awning sign*; and
3. The *sign area* of an *awning sign* shall not exceed 0.25m<sup>2</sup> for each 1 meter of length of the canopy or awning on which the sign is located.

(vi) Electric or *Electronic Message Board Signs* are permitted on *business premises* where motor fuels are sold at retail, provided that:

1. The electronic portion of the *sign* displays only the current price of motor fuels including gasoline, diesel, propane and marine fuels;
2. The *sign* does not exceed a *sign area* of 0.6m<sup>2</sup> per type of fuel;
3. The *sign* displays its message in one color only; and
4. The content of the *sign* remains the same for a period of at least 1 hour, and does not scroll, move, fade, flash, or change in any way that is designed to draw attention to the *sign* or *business premises*.

(vii) Despite other provisions of this bylaw a *freestanding sign* which includes *Third Party Advertising* is permitted where:

1. The sign pertains to a *business* not abutting a *highway* for which a current *District* business license has been granted;
2. The *sign* does not interfere with *sight lines* or pedestrian circulation;
3. The sign is erected at the intersection of the closest access *highway* to the *business premises* and on the same side of the *highway* as those premises; and
4. The owner of the lands on which the *sign* is located has authorized the sign permit application.

(viii) *Tent Signs* are permitted on *business premises* where *third party advertising* forms less than 30% of the tent area.

(ix) *Changeable (Manual) Signs* for the purposes of advertising a vacancy where the *sign* does not exceed a *sign area* of 0.3 m<sup>2</sup> ;

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**8. Temporary Sign Permits**

- (1) *Temporary sign permits may be granted for temporary signs such as sandwich boards, banners, and tent signs in zones where retail sales, commercial uses and industrial uses and industrial uses* are permitted:
- (a) For no more than seven (7) continuous days for one of the following purposes:
    - (i) To advertise the opening or closing of a business for which a current business license has been granted; or
    - (ii) To advertise the opening or closing of a *non-profit* organization; or
    - (iii) To advertise a special event, to a maximum of twelve (12) events, per year, per business or *non-profit* organization.
  - (b) For no longer than four (4) continuous months for one of the following purposes:
    - (i) To advertise a new business or *non-profit* organization pending the erection, placement or alteration of a permanent *sign* for which a permit has also been granted; or
    - (ii) Where temporary conditions such as construction or renovation interfere with or prevent the use of a permanent *sign*.
  - (c) For no longer than twelve (12) continuous months where the Designated Municipal Officer determines that:
    - (i) another type of *sign* would not be capable of reasonably identifying the *business premises* and their use due to the presence of trees or a *highway*; or
    - (ii) bedrock or significant elevation changes on the *business premises* do not permit the placing of a permitted type of sign reasonably identifying a property and its use; or
    - (iii) the location of the business entrance does not permit the placing of another type of *sign* reasonably identifying the property and its use.
- (2) *Temporary sign permits may be granted for temporary signs such as banners, sandwich board signs, and tent signs as specified in section (1), provided that:*
- (a) The *sign* does not pose a safety hazard or interfere with *sight lines*, site circulation or accessibility;
  - (b) The *sign area* in the case of a *sandwich board sign* does not exceed 0.8m<sup>2</sup> on each side;
  - (c) The *sign area* in the case of a *banner sign* does not exceed 4m<sup>2</sup>;
  - (d) A *banner sign* is placed such that all sides are securely fastened; and
  - (e) A *temporary sign* permit for another type of *sign* is not in place for the *business premises*.

**9. Application Requirements and Sign Permits**

- (1) Any person applying for a *sign* permit shall submit a completed *sign* permit application including:
- (a) The name and contact information of:
    - (i) the owner of the *sign*;
    - (ii) the manufacturer of the *sign*; and
    - (iii) the contractor for the erection, placement or alteration of the *sign*.
  - (b) A sketch of the *sign* in colour indicating:
    - (i) the dimensions of the *sign structure*;
    - (ii) dimensions of the *sign area*;
    - (iii) *sign height*;
    - (iv) *clearance* between the bottom of the *sign* and the ground below (for *under canopy* and *awning signs* only);
    - (v) approximate *sign* weight;
    - (vi) the construction and finishing materials;

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- (vii) how the *sign* will be secured where applicable; and
- (viii) the proposed method of illumination where applicable.
- (c) A current photograph of the *building face* indicating:
  - (i) the proposed location of the *sign*;
  - (ii) the dimensions of the *building face* where the *sign* will be located; and
  - (iii) the location and dimensions of all existing *signs* on the *business premises* which require a permit under this Bylaw and, if the *Designated Municipal Officer* requires, all existing *signs* that do not require a permit.
- (d) The proposed location of the *sign* in relation to the boundaries of the parcel and any landscaping (for *freestanding signs* and *sandwich board signs* only);
- (e) A letter of authorization from the owner of the land on which the *sign* will be erected, where the land owner is not the applicant;
- (f) An encroachment agreement executed by the owner of the adjacent land, where the *sign* encroaches on *District* lands;
- (g) Approval from the Ministry of Transportation where a *sign* is on private lands or *District* lands within 4.5 m of an *arterial highway* (Highway 4/Campbell St.);
- (h) At the discretion of the *Designated Municipal Officer*:
  - (i) sealed drawings prepared by a Professional Structural Engineer and/or a letter signed by a professional Engineer registered in the Province of British Columbia undertaking to supervise the work authorized by the permit; and
  - (ii) information regarding the construction of a *building* or *structure* that would enable the *Building Inspector* to adequately determine the capacity of such a *building* or *structure* to support the *sign*.
- (i) Any other information that the *Designated Municipal Officer* reasonably requires to determine whether the *sign* complies with this Bylaw; and
- (j) Application fees as prescribed by this Bylaw.
- (2) The *Designated Municipal Officer* shall grant a permit if the application complies with the provisions of this Bylaw and other Bylaws of the *District*.
- (3) Such permit shall expire if erection, placement or alteration of the *sign* is not commenced within a period of six (6) months from the date of issuance of the permit.
- (4) The *Designated Municipal Officer* shall refuse a permit for any *sign* where:
  - (a) The display of such *sign* is not permitted by this Bylaw, the Motor Vehicle Act, the Transportation Act or any regulation made under either of these Acts;
  - (b) The *sign* would interfere with the operation or visibility of a traffic control device or *sight lines*;
  - (c) The application fees and any encroachment fees, damage deposit or evidence of insurance coverage required by an encroachment agreement have not been received by the *District*; or
  - (d) Any information submitted regarding the construction of a *building* or *structure* is insufficient to enable the *Building Inspector* to adequately determine the capacity of such a *building* or *structure* to support the *sign*.

**10. Fees, Permits and Costs**

- (1) The fees payable under this Bylaw shall be as follows:

(a) Application for a sign permit:	\$100.00
(b) Application for a temporary sign permit:	\$50.00
(c) Application for a permit for <i>business premises</i> signs in a permitted <i>Building Directory Sign</i>	\$ 25.00
(d) Application for a permit altering an existing sign in which the size,	\$ 25.00

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location and material of the existing sign is not being changed

- (2) Where the *District* is undertaking public works which the *Designated Municipal Officer* determines restrict or modify public access to a *business premises* or affect the visibility of *business premises signs*, application fees for *temporary signs* directing the public to the affected *business premises* should be charged to the *District* project rather than to the applicant.

### **11. Non-Conforming Signs**

- (1) Any *sign* lawfully in existence at the time of adoption of this Bylaw, although such sign does not conform with the provisions of this bylaw, may continue to be used as a legal non-conforming sign provided it is maintained in a clean and safe condition, there is a valid sign permit for the *sign*, and encroachment agreements are in place where required.
- (2) Alterations to a legal non-conforming *sign* are permitted provided that the sign shall not be rebuilt, enlarged, extended, relocated or illuminated in contravention of the original sign permit.

### **12. Maintenance**

- (1) All *signs* and their supporting *structures* and electrical equipment shall be maintained in good condition by the *owner*, or lessee of the parcel or *business premises* on which the *sign* is located.
- (2) The normal maintenance, including replacement of *copy*, light bulbs or electrical equipment and refurbishing of *signs* shall not require a permit provided that *signs* are not rebuilt, enlarged, extended, relocated or illuminated in contravention of the original sign permit.
- (3) Every *sign* shall be maintained by the *owner* as to its structural soundness and appearance such that it does not constitute a hazard to persons in the vicinity or present an unsightly appearance, and for that purpose a sign presents an unsightly appearance if:
  - (a) any painted or stained surface of the *sign* or supporting *structure* is chipped or peeling or exhibits visible discoloration, rust or corrosion;
  - (b) any portion of the *copy* is faded or otherwise deteriorated so as to render it illegible at the distance from which the *sign* is intended to be read;
  - (c) any fabric of which the *sign* is fabricated, including any fabric comprising an awning, is torn or frayed;
  - (d) any letter, of a *sign* composed of individually mounted letters, is absent;
  - (e) any light bulb or tube is inoperative or any wiring component not functioning; or
  - (f) the supporting *structure* or any component thereof has been damaged or has deteriorated such that the *sign* is not plumb and level.

### **13. Enforcement**

- (1) If, at any time, any *sign* does not conform in every respect with the provisions of this Bylaw, or any other applicable bylaw, or if any *sign* is, in the opinion of the *Designated Municipal Officer*, in an unsafe or defective condition or is in disrepair, the *Designated Municipal Officer* may give notice to the *owner* of such *sign*, or the *owner* or *occupier* of the *parcel* or *business premises* upon which it is displayed or to which it pertains, to repair or remove the *sign* within the period specified in the

**DISTRICT OF TOFINO SIGN CONTROL BYLAW NO.1193, 2014**

notice and the *owner* or occupier shall repair or remove the *sign* in accordance with the notice.

- (2) Pursuant to Part 8 of the *Community Charter*, this Bylaw, without limiting the available remedies, may be enforced by any or all of the following:
  - (a) a proceeding brought in Provincial Court under the *Offence Act*;
  - (b) a Municipal Ticket Information issued under the applicable District of Tofino bylaw;
  - (c) a Bylaw Notice issued under the applicable District of Tofino Bylaw;
  - (d) a proceeding brought in Supreme Court.
- (3) Every person who contravenes, violates or fails to comply with any provision of this Bylaw, or permits any act or thing to be done in contravention or violation of this Bylaw, or who neglects to do or refrains from doing anything required to be done by this Bylaw or any notice given under section 13(1) commits an offence and shall be liable, upon summary conviction, to the maximum penalties that may be imposed pursuant to the *Offence Act* for each and every offence, and each day that an offence continues shall constitute a separate offence against this Bylaw.
- (4) Pursuant to section 16 of the *Community Charter*, persons authorized by the District to administer this Bylaw may enter onto a property or into a property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met.
- (5) Pursuant to section 17 of the *Community Charter*, if a person subject to a requirement set out in a notice given under *section 13(1)* fails to take the required action, the municipality may fulfill the requirement at the expense of the person and recover the costs incurred from that person as a debt.
- (6) Pursuant to section 46 of the *Community Charter*, the Bylaw Enforcement Officer or other District designate is authorized to seize signs unlawfully occupying a portion of a highway or public place.
- (7) No person shall obstruct or prevent a *Designated Municipal Officer* or a Bylaw Enforcement Officer from carrying out his or her legally prescribed duties in enforcing this Bylaw.

**14. Severance**

- (1) If any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction, that portion shall be deemed to be severed from the Bylaw with the intent that the remainder of the Bylaw shall continue in full force and effect.

**15. Repeal**

- (1) The *District of Tofino Sign Control Bylaw Bylaw No. 1079, 2008* is hereby repealed.

Read a first time on May 27<sup>th</sup>, 2014

Read a second time on May 27<sup>th</sup>, 2014

Read a third time on July 29, 2014, as amended

Adopted on August 19, 2014

ORIGINAL SIGNED BY

\_\_\_\_\_  
Josie Osborne, Mayor

\_\_\_\_\_  
Robert MacPherson, Corporate Officer

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**Schedule 'A'  
SIGN PERMIT**

Subject to the provisions of "The District of Tofino Sign Control Bylaw No. 1193, 2014", permission is hereby granted to:

\_\_\_\_\_

(Person and/or business premises)

for the \_\_\_\_\_ of one

(erection, placement, alteration, maintenance, demolition, removal)

\_\_\_\_\_ sign located at \_\_\_\_\_

(directional, fascia, freestanding, other, etc.)

(legal description and civic address)

in conformity with the plans and specifications submitted by the applicant as per Schedule "A" and approved of by the Designated Municipal Officer of the District of Tofino on this day of \_\_\_\_\_.

In the case of a temporary sign permit, the last day this permit is valid is \_\_\_\_\_.

\_\_\_\_\_  
Designated Municipal Officer,  
District of Tofino

