

**RESORT MUNICIPALITY OF WHISTLER
BYLAW NO. 1925, 2009**

A Bylaw to amend Sign Bylaw No. 558, 1987

WHEREAS the Council of the Resort Municipality of Whistler has adopted Sign Bylaw No. 558, 1987; and

WHEREAS the Council of the Resort Municipality of Whistler deems it necessary and expedient to amend Sign Bylaw No. 558, 1987;

NOW THEREFORE, the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as “Sign Amendment Bylaw No. 1925, 2009”.

DEFINITIONS

2. Section 2 of Sign Bylaw No. 558, 1987 is amended as follows:

- (a) The following defined term is inserted after “Awning sign” and before “Billboard”:

“Banner” means a sign composed of lightweight material, including nylon, vinyl, cloth, canvas or similar fabric, attached to something using rope, twine or a similar thing or suspended from a rod or other rigid support device on at least one side, but excludes government flags;

- (b) the defined term “Billboard” is deleted and replaced with the following:

“Billboard” means a freestanding structure on which a sign containing only third party advertising is mounted;

- (c) the following defined terms are inserted after “Billboard” and before “Business frontage”:

“Building” includes structure;

“Building directory” means a sign listing the names of businesses located within a single building that is designed to direct and guide pedestrians to individual businesses’ premises;

“Building wrap” means a permeable fabric, mesh or other flexible material, with or without a supportive frame, wrapped around all or a portion of a building while the building is being constructed, while it is undergoing substantial alterations or renovations, or while it is being prepared for demolition;

“Business” means any commercial or professional undertaking for which a licence is required under the Municipality’s Business Licence Bylaw No. 567, 1987;

- (d) the following defined term is inserted after “Canopy” and before “Clearance”:

“Changeable copy sign” means a sign containing copy that can be changed automatically by electronic switching of lamps or illuminated devices or manually through the use of detachable letters or symbols;

- (e) the following defined term is inserted after “Clearance” and before “Comprehensive Sign Plan”:

“Community notice” means a temporary sign used or intended to be used for the purpose of directing attention to a community event, gathering, activity or service and similar short-term, non-commercial notifications, but excludes notices displayed in furtherance of a business;

- (f) the following defined term is inserted after “Comprehensive Sign Plan” and before “Council”:

“Contractors’ sign” means a sign bearing the name or logo, or both, of a building, its owners, financial backers, architects, contractors or subcontractors;

- (g) the following defined terms are inserted after “Director of Planning” and before “Election”:

“Display” includes install, erect, construct, place, post, project, paint, alter, repair, relocate;

“Display box” means a device with at least one open side or one side with a hinged closure that is designed to contain, and shelter from the weather, paper or other porous signs;

- (h) the following defined term is inserted after “Electric Sign” and before “Façade”:

“Electronic projection sign” means a sign projected from an electronically-modulated optical device, such as a liquid crystal display projector, on to any exterior surface in view of the general public;

- (i) the definition of the term “Façade” is deleted and replaced with the following:

“Façade” means the area of a building wall facing a street and for the purpose of calculating a percentage of façade covered by a sign, means the wall area of the floor or storey on which the sign is located;

- (j) the defined term “Freestanding sign” is deleted;

- (k) the following defined term is inserted after “Grade” and before “Halo-lit sign”:

“Graffiti” means a sign painted, drawn, stencilled or scratched onto or into the surface of any building, fixture, improvement or the ground without the express consent of the owner or occupant of that building, fixture, improvement or parcel;

- (l) the following defined terms are inserted after “Parcel” and before “Projecting sign”:

“Permanent freestanding sign” means a sign standing apart from a building that is entirely self-supporting and attached to the ground;

“Private traffic control sign” means a sign designed to promote the safe and expedient flow of pedestrian or vehicular traffic on private property, and excludes a directional sign;

- (m) the words “and canopy signs” are added at the end of the definition of the term “Projecting sign”;

- (n) the following defined term is inserted after “Projecting sign” and before “Rear-lit sign”:

“Real estate sign” means a sign advertising a parcel to be for sale, for rent, or for lease;

- (o) the following defined term is inserted after “Roof line” and before “Sign”:

“Sandwich board sign” means a sign consisting of two flat surfaces joined at the upper end and resting on the ground;

- (p) the definition of the term “Sign” is deleted and replaced with the following:

“Sign” means any device, illustration, illumination, inscription, material, medium, notice, object, structure or visual projecting, including its supports, framework, lighting or electrical system, which is visible from any street or from the air, and which is used or capable of being used to convey information or direct or attract attention for the purpose of announcement, advertisement, business promotion, promotion of a product, activity, service or idea, or of providing direction, identification or information;

- (q) the definition of the term “Signage Officer” is deleted and replaced with the following:

“Signage Officer” means those officers and employees of the Municipality so designated by Council from time to time;

- (r) the following defined terms are inserted after “Site, corner” and before “Street”:

“Special event sign” means a sign used or capable of use for the purpose of directing attention to an event with a commercial aspect, including a farmers’ market, stall, craft fair, bake sale, performance, promotional activity, event or other gathering of people for commercial purposes, which event takes place for a period of no more than six (6) continuous weeks or 42 non-continuous days in a calendar year;

“Stencil sign” means a sign painted, drawn, scratched or impressed, including by means of sandblasting or power washing, onto the surface of any building, fixture, improvement, or the ground;

- (s) the definition of the term “Temporary Free Standing Sign” is deleted and replaced with the following:

“Temporary freestanding sign” means a sign standing apart from a building that is entirely self-supporting but is not permanently attached to the ground or any other surface, and includes sandwich board signs;

- (t) the following defined terms are inserted after “Temporary freestanding sign” and before “Window sign”:

“Third party advertising” means a sign used or capable of use for the purpose of directing attention to a business, commodity, service, event or entertainment

conducted, sold, held or offered on or at premises other than the premises on which the sign is located;

“Vehicle signs” means signs mounted, posted or otherwise adhered on or to a motor vehicle;

“Wild postering” means the posting or adhering of paper or paper-based poster signs on private property including, without limitation, construction fencing or barricades, without the express permission of the owner or occupant of the property;

PERMITTED AND PROHIBITED SIGNS

3. Paragraphs 3.2(b), (d), (h), (i), (k) and (l) of Sign Bylaw No. 558, 1987 are deleted and the remaining paragraphs are renumbered as paragraphs 3.2(a) to (e) inclusive.
4. The following paragraphs are added to subsection 3.2 of Sign Bylaw No. 558, 1987:
 - “(f) signs on building wraps;
 - (g) electronic projection signs;
 - (h) banner signs and signs on balloons or other gas-filled inflatable signs, except when displayed in strict accordance with this Bylaw as special event signs;
 - (i) temporary freestanding signs, except when displayed in strict accordance with this Bylaw as election signs, real estate signs, contractors’ signs or special event signs;
 - (j) signs that contact or interfere with electrical or telecommunication wires or their supports;
 - (k) signs that resemble or mimic or are intended to resemble or mimic traffic control signs or devices;
 - (l) vehicle signs, except signs required by law and signs which only identify the name of the business that is the registered owner of that vehicle.”
5. Subsection 3.3 of Sign Bylaw No. 558, 1987 is deleted.
6. The following subsections are added to Section 3.0 of Sign Bylaw No. 558, 1987:
 - “3.3 Wild Postering
No person shall engage in wild postering in the Municipality.
 - 3.4 Graffiti
No person shall display graffiti in the Municipality.
 - 3.5 Third Party Advertising

No person shall display a sign containing third party advertising, except when displayed in strict accordance with this Bylaw as community notices, special event signs, real estate signs, contractors' signs or election signs.

3.6 Exemptions

This Bylaw does not apply to:

- (a) signs located inside a building provided that they are not visible or intended to be visible from any street or any premises other than those on or in which they are located;
- (b) signs on or over streets displayed by the Municipality;
- (c) street decorations displayed by the Municipality;
- (d) signs for which the Municipality has issued a temporary commercial use permit pursuant to Zoning Bylaw No. 303, 1983;
- (e) public notices expressly authorized by the Municipality or a provincial or federal enactment including, without limitation, signs for the purposes of identifying land subject to an application to the Municipality for rezoning or a development permit;
- (f) directional signs displayed by federal, provincial or local governments or public corporations, authorities or utilities;
- (g) information and way-finding signs displayed by the Vancouver Olympic Organizing Committee (VANOC) in furtherance of the 2010 Olympic and Paralympic Games."

DESIGN STANDARDS

7. The following subsections are added to Section 4.0 of Sign Bylaw No. 558, 1987:

"4.10 Repairs and Maintenance

- 4.10.1 Every owner of a sign must maintain that sign in good working order.
- 4.10.2 Unless section 4.10.3 applies, no person shall alter, reconfigure or repaint any sign without first applying for and obtaining a permit for that work.
- 4.10.3 An owner of a sign may alter, reconfigure and repaint a sign without need for a permit if:
 - (a) the original display of that sign did not require a permit under this Bylaw; or
 - (b) the original display of that sign did require a permit under this Bylaw or any previous bylaw regulating signs in the Municipality, but:
 - (i) the alteration, reconfiguration or repainting is in compliance with all permits issued for the sign;
 - (ii) the size, shape and sign area remains the same;
 - (iii) the siting and location of the sign remains the same; and

- (iv) the letters, numbers, symbols and other images on the sign remain the same.

4.11 Removal of Old Signs

Unless otherwise specified in this Bylaw, all signs displayed at, on or in a parcel occupied by a business or displayed in furtherance of a business must be removed within seven (7) days of the date the parcel is vacated by the owner of the sign or the business ceases operations.”

PERMITTED SIGNS (PERMANENT)

8. The title of Section 6 in Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“SECTION 6 – SIGNS FOR WHICH PERMIT REQUIRED”

9. The following is added as subsection 6.0 of Sign Bylaw No. 558, 1987:

“6.0 The types of signs described in this Section are authorized in accordance with the sign-specific regulations provided that a valid and subsisting permit has been obtained from the Municipality.”

10. In subsection 6.2 of Sign Bylaw No. 558, 1987, each occurrence of the phrases “freestanding sign” and “freestanding signs” are deleted and replaced by the phrases “permanent freestanding sign” and “permanent freestanding signs” respectively.

11. Paragraph (g) of subsection 6.8.1 of Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“(g) in addition to any other repair or maintenance standards in this or any other Bylaw, display boxes must be repaired immediately if defaced, cracked, chipped, rusted, broken or otherwise in a state of disrepair.”

12. The preamble (but not paragraphs (a) to (d)) of subsection 6.9.1 of Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“6.9.1. Private traffic control signs are authorized in all zones, subject to the following regulations:”

13. The following subsections are added as subsections 6.10 and 6.11 of Sign Bylaw No. 558, 1987:

“6.10 Special Event Signs

6.10.1 Special event signs are authorized in all zones, subject to the following regulations:

- (a) the maximum area of special event signs is 5.0m² for a banner and ____ m² for all other types of signs;
- (b) special event signs may contain third party advertising on up to 25% of the total sign area;
- (c) special event signs may be displayed only in or at the specific sites so designated by the Signage Officer in a permit issued for those special event signs;
- (d) special event signs may be initially displayed only immediately prior to the special event to which they pertain, and must be removed within 24 hours of the conclusion of that special event.

6.11 Election Signs

6.11.1 Election signs are authorized in all zones, subject to the following regulations:

- (a) the maximum area of election signs is 2.0m²;
- (b) the maximum height of election signs is 2.4m²;
- (c) election signs must not be displayed prior to the date on which an election is called by the relevant election officer;
- (d) election signs must be removed within seven (7) days of the date of the election in respect of which they were displayed;
- (e) election signs must not be displayed on private property or on a public right of way immediately adjacent to private property without the express consent of the owner or occupant of the private property.

6.11.2 In addition to the sign permit application fee, an applicant for a sign permit for one or more election signs must provide to the Signage Officer security in the amount of \$____, payable by cash, cheque or credit card, for the purposes of ensuring the full and timely removal of the permitted sign or signs.”

PERMITTED SIGNS (TEMPORARY)

14. The title of Section 7 in Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“SECTION 7 – SIGNS FOR WHICH NO PERMIT REQUIRED”

15. Subsection 7.1 of Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“7.1 The types of signs described in this section are authorized in accordance with the sign-specific regulations without need for a valid and subsisting permit.”

16. Subsections 7.2, 7.3 and 7.6 of Sign Bylaw No. 558, 1987 are deleted and the remaining subsections are renumbered as subsections 7.2 and 7.3.

17. The following subsection is added as subsection 7.4 of Sign Bylaw No. 558, 1987:

“7.4 Community Notices

7.4.1 Community notices are authorized, subject to the following regulations:

- (a) community notices must be displayed only at the designated posting areas set out in Schedule “B” to this Bylaw;
- (b) community notices must be displayed at a designated posting area by way of staples, thumbtacks, or pushpins only;
- (c) community notices must not be greater than 216.0cm by 279.0cm in size;
- (d) no more than one copy of a community notice may be displayed at each designated posting area;
- (e) the Municipality may remove community notices from the designated posting areas:
 - (i) periodically to make room for new community notices;
 - (ii) immediately if a community notice is displayed contrary to this Bylaw;
 - (iii) immediately if a community notice contains indecent, profane, blasphemous or grossly insulting language or images.”

GENERAL PROVISIONS & SPECIFICATIONS

18. Subsections 8.1, 8.2, 8.3, 8.4, 8.6 and 8.11 of Sign Bylaw No. 558, 1987 are deleted and the remaining sections are renumbered accordingly.

19. The following subsection is inserted as subsection 8.6 of Sign Bylaw No. 558, 1987:

“8.6 Signs on Streets and Other Municipal Property

8.6.1 No sign may project into, on or over a street or public property owned or occupied by or under the control of the Municipality including, without limitation, a park, without the express written authority of the Municipality as evidenced by the

execution of an encroachment or licence agreement on terms and conditions acceptable to the Municipality from time to time.

- 8.6.2 Council hereby authorizes the Signage Officer to immediately seize and detain any sign unlawfully occupying a street or public property owned or occupied by or under the control of the Municipality.
- 8.6.3 Upon seizing a sign pursuant to section 8.6.2, the Signage Officer must make reasonable efforts to identify the owner of the sign and must, within ten (10) days of the date of seizure, issue written notice of the seizure to any identified owner by means of personal delivery, facsimile or registered mail.
- 8.6.4 The owner of a sign seized pursuant to section 8.6.2 may, within 30 days of the date of the seizure, reclaim the sign upon payment of a seizure fee in the amount of \$50.00.
- 8.6.5 If the owner fails to reclaim a sign pursuant to section 8.6.4 or if no owner can be identified after reasonable efforts, the Municipality may, no less than 30 days after the date of the seizure, dispose of the sign by sale, auction or demolition, with all proceeds being retained by the Municipality.”

APPLICATION FOR PERMITS

20. Subsection 9.1 of Sign Bylaw No. 558, 1987 is deleted and replaced with the following:
- “9.1 Except where expressly authorized or exempt under this Bylaw, no person may display a sign unless he or she has first applied to the Signage Officer and obtained a sign permit for that sign.”
21. Subsection 9.2 of Sign Bylaw No. 558, 1987 is amended by deleting paragraph (e) and replacing it with the following paragraph (e) and by adding the following paragraphs (f) and (g):
- “(e) for permanent freestanding and temporary freestanding signs, one or more drawings to scale showing the sign’s location on a parcel relative to the parcel lines, buildings an adjacent streets, together with existing and proposed landscaping; and
- (f) such other information as may be reasonably requested by the Signage Officer in order to assist in determining whether the proposed sign complies with this Bylaw and all other applicable bylaws of the Municipality; and
- (g) the applicable fee set out in Schedule “A” to this Bylaw.”
22. The following subsection is added to Section 9 of Sign Bylaw No. 558, 1987:

“9.6 Permit Terms and Conditions

9.6.1 The Signage Officer may impose terms and conditions with respect to a permit in relation to:

- (a) the duration of the permit;
- (b) the hours of the day during which an illuminated sign may be lit; and
- (c) any other terms or conditions directly related to compliance with this Bylaw or another applicable enactment.

9.6.2 A permit issued under this Bylaw in respect of a sign is subject to every term and condition applicable to that sign or type of sign stated in this Bylaw and in the permit.”

PENALTY AND ENACTMENT

23. Subsection 11.1 of Sign Bylaw No. 558, 1987 is deleted and replaced with the following:

“11.1 Every person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by this Bylaw is guilty of an offence against this Bylaw and is liable on conviction to a fine or penalty of up to \$10,000.00 for each offence.”

24. Schedule "A" is attached to and forming part of this Bylaw shall be attached to and form part of Sign Bylaw No. 558, 1987.

GIVEN FIRST READING this ___ day of _____, 2010.

GIVEN SECOND READING this ___ day of _____, 2010.

GIVEN THIRD READING this ___ day of _____, 2010.

ADOPTED this ___ day of _____, 2010.

Ken Melamed, Mayor

Shannon Story, Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Sign Bylaw No. 1925, 2009"

SCHEDULE "A"

Designated Areas for Community Notices

Whistler Public Library
4329 Main Street
Whistler, BC
V0N 1B4