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THE CORPORATION OF THE CITY OF PENTICTON

SIGN REGULATIONS BYLAW

NO. 2013-17

This Bylaw Repeals Sign Regulation Bylaw 92-22 “1992” May 21, 2013

THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 2013-17

A BYLAW TO REGULATE THE NUMBER, SIZE, TYPE, FORM, APPEARANCE AND LOCATION
OF SIGNS WITHIN THE CITY

WHEREAS Section 908 of the Local Government Act provides that a local government may, by bylaw, regulate the number, size, type, form, appearance and location of any signs;

AND WHEREAS the Municipal Council is desirous of repealing "Sign Regulation Bylaw 92-22, 1992" to make the regulations of signs in Penticton and the issuance of sign permits more efficient;

THEREFORE the Council of the City of Penticton, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "Sign Regulation Bylaw No. 2013 -17".

2. Administration

The Director of Development Services or his designate shall administer this bylaw and shall have the authority to:

- 2.1 Issue sign permits for the erection or placement of signs where the proposed sign conforms to this bylaw;
- 2.2 Order the cessation or correction of any work which is being done or has been done in contravention of this bylaw;
- 2.3 Revoke a permit where there is a violation of any terms or conditions of the permit or contravention of this bylaw;
- 2.4 Order the removal of a sign that was erected without permit or in contravention of this bylaw;
- 2.5 Order the painting, repair, alteration or removal of any sign which has become dilapidated or is abandoned, or which constitutes, in the opinion of the Administrator, a hazard to public safety.

3. Inspection

Any employee of the City appointed to enforce the provisions of this bylaw is hereby authorized to enter at all reasonable times upon any property to ascertain compliance with this bylaw. No person shall prevent or obstruct an official from the carrying out duties under this Bylaw.

4. Application

- 4.1 This Bylaw does not apply to:

- 4.1.1 Signs located inside a building not visible or intended to be visible from any street;
- 4.1.2 Signs erected or authorized by the Public Works Department for pedestrian or vehicular traffic safety, parking, street names or way finding;
- 4.1.3 Public notices authorized by City bylaws or Provincial or Federal legislation;
- 4.1.4 Signs authorized by the City in connection with public conveniences, including signs on bus benches, bus stop shelters or other similar structures;
- 4.1.5 Building addresses containing number and street only;
- 4.1.6 Name and/or address plates for private residences;
- 4.1.7 Signs regulating private parking lots provided that they are no larger than 1.0 m² in area;
- 4.1.8 Signs located on City property, facilities or infrastructure whether for advertising for the facilities or for third party advertising;
- 4.1.9 Murals;
- 4.1.10 International, National, Provincial or Municipal flags or emblems or banners.

5. Definitions

5.1 All words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth in this bylaw and "City of Penticton Zoning Bylaw 2011-23."

5.2 In this bylaw:

"AWNING" means a shelter supported entirely by and projecting from the exterior wall of a building and composed of non-rigid materials covering supporting framework.

"AWNING SIGN" means a sign painted or affixed to the surface of an awning which does not extend vertically or horizontally beyond the limits of such awning.

"BANNER" means a sign composed of lightweight, non-rigid material such as cloth, canvas or similar fabric.

"BANNER SIGN" means a sign composed of lightweight, non-rigid material such as cloth, canvas or similar fabric that is attached permanently to a building and entirely located on private property.

"BILLBOARD SIGN" means an off-premises sign that advertises goods, products, services or facilities or directs persons to a different location than where the sign is located.

"CANOPY" means a permanent roofed structure, which may or may not be attached to and supported by a building.

"CANOPY FACE" means any face of a canopy not in a vertical plain.

"CANOPY SIGN" means a sign attached to or constructed in or on the face of a canopy.

"CHANGEABLE COPY SIGN" means a sign on which copy can be changed electronically or manually through the use of attachable letters, numerals and pictorial panels or electronic switching of lamps or illuminated tubes, but does not include a billboard.

"CONTAINER SIGN" means a sign which is attached to a storage container where the principal purpose of the storage container is to serve as a sign or sign structure.

"CONSTRUCTION SIGN" means a sign which is erected at an active construction site which advertises contractors that are engaged in work on the site.

"CLEARANCE" means the vertical distance between the underside of a sign and finished grade immediately below.

"DIRECTOR" includes the person appointed to the position of Director of Development Services and a person authorized by the Director of Development Services to perform duties under this bylaw;

"DIRECTIONAL SIGN" means an on-site incidental sign indicating the direction only, of a business, parking area, product service or event for the purpose of directing pedestrian or vehicular traffic.

"FACIA SIGN" means a sign which is in any manner affixed flat to the wall or fascia of a building, whether forming part of the building or not, and having the exposed face thereof on a plane approximately parallel to the plan of such wall.

"FARM PRODUCE SIGN" means a sign to advertise the sale of orchard or garden produce and includes cottage winery sales.

"FREESTANDING SIGN" means any sign except billboards, wholly supported from the ground by structural components, visibly separated from any other structure and permanently fixed to the ground. The signage portion of a freestanding sign, except in the case of a low profile freestanding sign, is usually supported by a column(s) to increase its visibility.

"FRONTAGE" means the length of the property line of any lot parallel to and along each legally accessible public street, excluding a lane or alleyway that it borders.

"GRADE" means the elevation of the surface of the sidewalk or boulevard adjacent to any sign abutting or encroaching into a street, or the elevation of the finished ground surface directly below a sign, as determined by the Director.

"HANGING SIGN" means a sign suspended from a building façade or under a canopy or awning.

"IDENTIFICATION SIGN" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.

"ILLUMINATED SIGN" means a sign in which a source of artificial light is used in order to make readable the message, and shall include internally and externally lighted signs and reflectorized, glowing or radiating signs.

"LOW PROFILE FREESTANDING SIGN" means any sign that is affixed directly to the ground by a structural member, independently and visibly separated from any building or structure and permanently fixed to the ground without a column increasing its height.

"MURAL" means artwork painted directly on a wall, which does not directly advertise for a business but may have sponsorship information referring to a business.

"OFF-PREMISE DIRECTIONAL SIGN" means a sign that directs a person to a different location from where the sign is installed. The sign is for general public direction only, with no advertising other than name and address.

"POLITICAL SIGN" Means a sign that pertains to an election by the voters in the City of Penticton for City Council, School Board, Provincial and Federal Government or referendum.

"PORTABLE SIGN" means any sign not permanently attached to the ground or to a building.

"PROJECTING SIGN" means any sign other than a wall, canopy or fascia sign which is attached to and projects from the face or wall of a building or structure or the underside of a roof.

"ROOF LINE" means the line made by the intersection of the wall of the building with the roof of the building on whichever face fronts the street.

"ROOF SIGN" means any sign which is erected upon, against, or directly above a roof or on top of or above a parapet of a building, and wholly supported by the building.

"ROTATING SIGN" means any sign or portion of a sign which moves in a revolving or similar manner.

"SANDWICH BOARD SIGN" means a non-illuminated sign consisting of two flat faces/surfaces joined at one end and resting on the ground.

"SIGN" means any symbol, identification, description, illustration or device, illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, with the exception of window displays. For the purposes of removal, signs shall also include all sign supporting structures.

"THIRD PARTY ADVERTISING" means content on a sign which directs attention to products sold or services provided which cannot be considered as the principal product sold or principal services provided on the premises at which the sign is located. The company that constructed the sign or companies that are sponsoring an event advertised on the sign are not considered third party advertising.

"VEHICLE SIGN" means a sign which is erected or attached to a vehicle where the principal purpose of the vehicle is to serve as a sign or sign structure.

"WALL SIGN" means a form of fascia sign painted on the exterior wall or other integral part of a building.

6. General Provisions

- 6.1 No person shall construct, place, erect, display, alter, repair or relocate any sign which does not conform to and comply with the provisions set forth in this bylaw and without a permit to do so, unless exempted from having a permit by Section 7.3 of this bylaw.
- 6.2 When a sign cannot be clearly identified as any of the sign types listed in this bylaw or is a combination of two or more sign types, the Director shall rule on the sign type and the applicable regulations.
- 6.3 The following signs are specifically prohibited:
- (a) Billboard signs
 - (b) Vehicle signs
 - (c) Container signs
 - (d) Off-site directional signage
 - (e) Posters, handbills or flyers erected or posted on utility poles or fencing
 - (f) Signs that obstruct door openings, passageways, ventilators, fire escapes, walkways or similar features
 - (i) Illuminated signs that create a direct nuisance to neighbouring properties
 - (j) Signs emitting sound
 - (k) Signs which by reason of their location, color or intensity create a hazard to the safe and efficient movement of vehicular or pedestrian traffic
 - (l) Signs that display lights in a manner usually associated with danger or those used by police, fire, ambulance and other emergency vehicles.
- 6.4 Third party signs are prohibited except under the following circumstances:
- 6.4.1 Third party advertising is permitted on signs advertising the company that erected or constructed the sign, so as the area of third party advertising does not constitute more than 10% of the sign.
 - 6.4.2 Third party advertising is permitted in any industrial zone as long as the sign is advertising the industrial use of a property within the City of Penticton.
 - 6.4.3 Third party advertising is permitted in any agricultural zone as long as the sign is advertising the agricultural use of a property within the City of Penticton.

- 6.4.4 Third party advertising is permitted on any animated message board in any zone as long as the sign is advertising a business within the City of Penticton.
- 6.5 All forms of signage permitted within this bylaw that project over public property shall contain the following when submitting a sign permit application:
 - 6.5.1 Drawings and specification showing detailed mounting information and the standards and methods of construction and installation and any other information required as determined by the Director; and
 - 6.5.2 A waiver, indemnity and release form signed by the applicant which releases and indemnifies the City in the event of a future incident with the sign projecting over public property.
- 7. Permit Requirements
 - 7.1 The applicant for a sign permit shall make written application to the Development Services Division on the prescribed application form and in the format as prescribed by the Director. Such application shall include the following:
 - 7.1.1 The street address, legal description and zone of the property of the proposed sign;
 - 7.1.2 The name and address of the person constructing, erecting, enlarging, converting, altering or relocating the sign;
 - 7.1.3 When required by the Director, two (2) complete sets of plans and specifications drawn to scale, which shall include the following:
 - (a) A site plan showing where on the property the sign is to be located, including legal boundaries of the lot; and
 - (b) The dimensions, material, height, weight and area of the sign and the clearance beneath it measured from finished grade if the sign is a projecting or freestanding sign;
 - 7.1.4 The value of the sign and installation;
 - 7.1.5 The required permit fee, as set out in the City of Penticton Fees and Charges Bylaw;
 - 7.1.6 An assessment may be required, at the discretion of the Director, from a Registered Professional Engineer identifying the structural integrity of the sign and its attachments to a building.
 - 7.1.7 Any other information required by the Director in order to determine compliance with this bylaw.
 - 7.2 If the work for which a permit was issued is not carried out within six months of the date of issuance of the permit, the permit is deemed to have expired.
 - 7.3 The following signs are exempt from obtaining a permit:
 - 7.3.1 Real estate signs provided that:

- (a) Such signs are located on the same property as the property being marketed;
- (b) The combined area of all signs is less than 2.0m² in area and less than 1.5m in height for properties designated zoned R1, R2, R3, RD1 and RD2 in Zoning Bylaw 2011-23 and less than 3.0m² in area and 2.5m in height in all other areas;
- (c) There is no more than one sign per street frontage; and
- (d) All signs are removed within seven (7) days after the sale of the property to which the sign refers.

7.3.2 Construction signs provided that:

- (a) Such signs are located on the same property as the development where construction is taking place;
- (b) The combined area of all signs is less than 15.0m²;
- (c) There are no more than three (3) signs per street frontage; and
- (d) The duration of the display of such signs shall be limited to the duration of the construction phase of the project.

7.3.3 Political signs anywhere in the city provided that:

- (a) The sign is not installed prior to a Provincial or Federal election being called or before the end of the nomination period for a local government election; and
- (b) Are removed within seven (7) days after the election.

7.3.4 Window signs.

7.3.5 Sandwich board signs provided that:

- (a) The sign is no more than 1.0m² in area for each side of the sign and no more than 1.2m in height;
- (b) Is limited to one sign per business;
- (c) Is located within the frontage of the business that the sign is advertising for and only displayed during business hours;
- (d) The placement of the sign is such that no entrances or exists or pedestrian or vehicular passage is obstructed and that a minimum of 1.5m wide pedestrian corridor is preserved after the placement of the sign;
- (e) The sign is located a minimum of 0.3m from the back of curb or edge of road if no curb exists; and

(f) Placed in line with parking space markings, if such markings exist.

7.3.6 Home occupation signs provided that:

- (a) The sign is no more than 1.0m² in area;
- (b) An active business licence for a 'home occupation, major' or 'home occupation, rural' has been issued to the subject property; and
- (c) The sign does not change the residential character of the property to which it is affixed.

7.3.7 Portable changeable copy signs provided that:

- (a) The total area of one side of a portable changeable sign shall not exceed 3.0m².
- (b) Only one sign is located per road frontage per property.
- (c) The sign is located entirely on the property to which the sign is advertising

7.3.8 Banners, balloons and inflatable signs provided that:

- (a) They are displayed for a period no greater than 21 days and no more than three (3) times in a calendar year.
- (b) In the opinion of the Director, that they do not create a hazard to the safe movement of vehicular or pedestrian traffic.

8. Sign Specifications

The following regulations apply to the specific types of signs referred to in each section heading:

8.1 Fascia Signs

- 8.1.1 The total area of a fascia sign shall not exceed 1.0m² for each lineal meter of building wall to which the sign is affixed.
- 8.2.2 The upper edge of a fascia sign shall not be higher than the roof line or parapet of a building.
- 8.3.3 The regulations governing fascia signs shall apply to painted wall signs, changeable copy wall signs and reader board signs affixed to walls.

8.2 Projecting Signs

- 8.2.1 The total area of one side of a projecting sign shall not exceed 0.5m² for each linear meter of building wall to which the sign is affixed to a maximum of 7.0m².
- 8.2.2 Projecting signs shall have a minimum vertical clearance of 2.5m.

8.2.3 The maximum projection from an exterior wall that a sign may project is 3.0m.

8.2.4 Notwithstanding Section 8.2.3, projecting signs are not permitted to project to within a distance of 0.5m from the back of curb of a roadway or edge of pavement of a roadway, if no curb is present.

8.3 Freestanding Signs

8.3.1 The total area of one side of a freestanding sign shall not exceed 1.0% of the total area of the site upon which the sign is advertising, up to a maximum area of 15m².

8.3.2 Freestanding signs shall have a maximum height of 9.0m.

8.3.3 Freestanding signs shall not have any signage between 1.4m and 2.5m from established grade.

8.3.4 Freestanding signs shall be located entirely within the property to which the sign is advertising and shall not project over neighbouring properties or city rights-of-way.

8.3.5 Where two or more signs are proposed on a property, the signs shall be located a minimum of 30.0m apart.

8.3.6 Reader boards and animated signs may be incorporated into freestanding signs.

8.4 Low Profile Freestanding Signs

8.4.1 Low profile freestanding signs shall have a maximum height of 2.4m.

8.4.2 Low profile freestanding signs shall be located entirely on the property to which the sign is advertising.

8.4.3 Low profile signs shall be buffered by 1.5m of landscaping on all sides with road frontage.

8.4.4 Low profile signs shall not be located where, in the opinion of the Director, it will cause an impediment to vehicular visibility.

8.5 Canopy and Awnings and Canopy and Awning Signs

8.5.1 Canopies and awnings shall have a vertical clearance of 2.5m unless otherwise specified in the City of Penticton zoning bylaw.

8.5.2 Canopies and awnings are not permitted to project to within a distance of 0.5m from the back of curb of a road way or edge of pavement of a roadway, if no curb is present.

8.5.3 The total area of a canopy or awning sign shall not exceed 1.0m² for each lineal meter of building wall to which the sign is affixed.

8.6 Hanging signs

- 8.6.1 The total area of one side of hanging sign shall not exceed 2.0m².
- 8.6.2 Hanging signs shall have a minimum vertical clearance from the nearest finished grade of 2.5 m.

8.7 Banner signs

- 8.7.1 The total area of a banner sign shall not exceed 1.5m².
- 8.7.2 Banner signs shall be permanently affixed to the façade of a building at the top and bottom.
- 8.7.3 Banner signs shall not project over a property line.
- 8.7.4 Where more than one banner sign is attached to a building façade, the signs shall be spaced a minimum of 3m apart.
- 8.7.5 Banner signs shall have a minimum clearance from the nearest finished grade of 2.5m.

9. Signs Permitted by Zone

- 9.1 Where a new zone is created and is incorporated into the City's zoning bylaw after the adoption of this bylaw, for the purposes of this bylaw, such new zone shall be considered to be included in the schedule and zone group to which it most closely relates.

- 9.2 Subject to the regulations of this bylaw, signs are permitted in the following zones as listed (where the sign is located on road right-of-way the zone to which the sign refers to shall be used for determination of applicability of this section):

9.2.1 Agricultural Areas (FG, A)

- 9.2.1.1 Real estate signs
- 9.2.1.2 Construction signs
- 9.2.1.3 Political signs
- 9.2.1.4 Window signs
- 9.2.1.5 Home occupation signs
- 9.2.1.6 Fascia signs
- 9.2.1.7 Projecting signs
- 9.2.1.8 Freestanding signs
- 9.2.1.9 Low profile freestanding signs
- 9.2.1.10 Awning or canopy signs
- 9.2.1.11 Hanging signs
- 9.2.1.12 Portable changeable copy signs

9.2.2 Low Density Residential Areas (RC, R1, R2, RD1, RD2)

- 9.2.2.1 Real estate signs
- 9.2.2.2 Construction signs
- 9.2.2.3 Political signs
- 9.2.2.4 Home occupation signs

9.2.3 Multiple Residential Areas (RM1, RM2, RM3, RM4)

- 9.2.3.1 Real estate signs
- 9.2.3.2 Construction signs
- 9.2.3.3 Political signs
- 9.2.3.4 Window signs
- 9.2.3.5 Home occupation signs
- 9.2.3.6 Fascia signs
- 9.2.3.7 Low profile freestanding signs
- 9.2.3.8 Awning or canopy signs
- 9.2.3.9 Hanging signs
- 9.2.3.10 Banners

9.2.4 Neighbourhood Commercial Areas (C1, C2)

- 9.2.4.1 Real estate signs
- 9.2.4.2 Construction signs
- 9.2.4.3 Political signs
- 9.2.4.4 Window signs
- 9.2.4.5 Fascia signs
- 9.2.4.6 Projecting signs
- 9.2.4.7 Freestanding signs
- 9.2.4.8 Awning or canopy signs
- 9.2.4.9 Hanging signs
- 9.2.4.10 Changeable copy signs
- 9.2.4.11 Home occupation signs
- 9.2.4.12 Banners

9.2.5 Downtown Commercial Area (C5)

- 9.2.5.1 Real estate signs
- 9.2.5.2 Construction signs
- 9.2.5.3 Political signs
- 9.2.5.4 Window signs
- 9.2.5.5 Sandwich board signs
- 9.2.5.6 Fascia signs
- 9.2.5.7 Projecting signs
- 9.2.5.8 Awning or canopy signs
- 9.2.5.9 Hanging signs
- 9.2.5.10 Balloon (inflatable) signs
- 9.2.5.11 Banners
- 9.2.5.12 Changeable copy signs
- 9.2.5.13 Banner signs

9.2.6 General/ Service Commercial Zones (C3, C4, C7, C8, C9, CD1, CD2, CT1, CT2, CT3)

- 9.2.6.1 Real estate signs
- 9.2.6.2 Construction signs
- 9.2.6.3 Political signs
- 9.2.6.4 Window signs
- 9.2.6.5 Sandwich board signs
- 9.2.6.6 Fascia signs
- 9.2.6.7 Freestanding signs
- 9.2.6.8 Low profile freestanding signs
- 9.2.6.9 Projecting signs
- 9.2.6.10 Awning or canopy signs

- 9.2.6.11 Hanging signs
- 9.2.6.12 Balloon (inflatable) signs
- 9.2.6.13 Banners
- 9.2.6.14 Changeable copy signs
- 9.2.6.15 Portable changeable copy signs
- 9.2.6.16 Banner signs

9.2.7 Industrial (M1, M2, M3)

- 9.2.7.1 Real estate signs
- 9.2.7.2 Construction signs
- 9.2.7.3 Political signs
- 9.2.7.4 Window signs
- 9.2.7.5 Fascia signs
- 9.2.7.6 Freestanding signs
- 9.2.7.7 Low profile freestanding signs
- 9.2.7.8 Projecting signs
- 9.2.7.9 Awning or canopy signs
- 9.2.7.10 Hanging signs
- 9.2.7.11 Changeable copy signs
- 9.2.7.12 Portable changeable copy signs
- 9.2.7.12 Banner signs

9.2.8 Institutional (P1, P2)

- 9.2.8.1 Real estate signs
- 9.2.8.2 Construction signs
- 9.2.8.3 Political signs
- 9.2.8.4 Window signs
- 9.2.8.5 Fascia signs
- 9.2.8.6 Freestanding signs
- 9.2.8.7 Low profile freestanding signs
- 9.2.8.8 Projecting signs
- 9.2.8.9 Awning or canopy signs
- 9.2.8.10 Hanging signs
- 9.2.8.11 Changeable copy signs
- 9.2.8.12 Portable changeable copy signs
- 9.2.8.13 Banner signs

10. Enforcement

- 10.1 Every person violating any provision of this Bylaw is liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) and the costs of prosecution.
- 10.2 Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

11. Severability

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

12. Repeal of Previous Bylaws

“Sign Regulation Bylaw 92-22, 1992” and all amendments thereto, are hereby repealed upon this bylaw coming into force and effect.

PASSED FIRST READING this 6th day of May, 2013.
PASSED SECOND READING this 6th day of May, 2013.
PASSED THIRD READING this 6th day of May, 2013.
ADOPTED this 21st day of May, 2013.

Garry Litke, Acting Mayor

Dana Schmidt, Corporate Officer