



TZEACHTEN FIRST NATION SIGN LAW



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WHEREAS:

- A. the Tzeachten First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- B. the Tzeachten First Nation has taken over control and management of Tzeachten Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted the *Tzeachten Land Code* effective the 21st day of August, 2008;
- C. under the *Tzeachten Land Code*, Tzeachten Council is authorized to pass various laws relating to lands including laws relating to zoning and land use under sections 3.1(a) and 3.3 of the Code;
- D. Council wishes to implement a law to ensure that the use of land within Tzeachten Lands is regulated to protect the community, Tzeachten Lands and any person holding an interest in Tzeachten Lands from unsustainable or incompatible developments or land uses and to encourage developments and land uses that contribute to the well-being of the community and the environment;
- E. Council passed the *Tzeachten Sign Law, 2020* on March 26, 2020 and Council believes it is necessary to amend the Law to clarify certain provisions;

NOW THEREFORE this *Tzeachten Sign Law* is hereby amended at a duly convened meeting as a Law of the Tzeachten First Nation.

PART 1. NAME

1.1 This Law may be cited as the *Tzeachten Sign Law*.

PART 2. PURPOSE

2.1 The purpose of this Law is to regulate Signage and promote safety on Tzeachten Lands.

PART 3. WHERE THIS LAW APPLIES

3.1 The provisions of this Law apply to the whole area of the Reserve and Tzeachten Lands as defined in the Tzeachten Land Code.

PART 4. DEFINITIONS

4.1 For the purposes of this Law,
(a) terms have the same definitions as in the Land Code; and
(b) the following definitions apply:

4.2 In this Law, unless the context otherwise requires, the following definitions shall apply:

"advertisement" means any word, letter, model, picture, symbol, device, or representation in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction;

"Billboard" means a Sign for hire or for rent or for which a commercial transaction occurs to carry advertising, messages or announcements, but does not include a single purpose sign to signal the business name to which the Sign is physically attached or a public service or community information Sign owned or approved by Tzeachten;

"changeable copy Sign" (manual) means any Sign on which message copy can be changed through use of attached letters and numerals and includes public service information displays;

"Lands Manager" means the employee designated as responsible for the administration of Tzeachten Land;

"Owner" means the owner or permittee for a Sign or his/her authorized representative;

"portable Sign" means any readily transportable Sign that can easily be relocated to another location or temporarily set up and removed from a site, not permanently attached to the ground;

"sandwich board" means a type of Sign composed of two (2) boards set up in a triangle shape, hinged along the top;

"Sign" means any visual representation or attention-drawing device which communicates information or advertising for any purpose; and

"Tzeachten" means the Tzeachten First Nation.

PART 5. PROHIBITIONS

5.1 Except as provided elsewhere in this Law, including in the Exemptions in PART 6, or in a permit issued by the Tzeachten Lands Office, the following are prohibited anywhere on, over or within Tzeachten Lands:

- (a) all Billboards;
- (b) a Sign larger than 0.37 square metres (approximately four square feet, 4 ft²);
- (c) a Sign located on a balcony or roof of a building;
- (d) a Sign that interferes with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity, or communications equipment;
- (e) a Sign attached to a tree or other living vegetation; and
- (f) a Sign erected on or over a road or Tzeachten owned property;
- (g) placards, playbills, advertising Signs, writings, pictures, or drawings on walls, fences, benches, other Signs, electric power or telephone poles, canopy or street light standards, or on any other similar structure;
- (h) a Sign adjacent or near to a road or public place that potentially impedes or obstructs the vision or impairs the safety of pedestrians or vehicle drivers;
- (i) a Sign that exhibits writings or pictures, or the writing of words or the making of pictures or drawings which are offensive, indecent or may tend to corrupt or demoralize or are of grossly insulting language;
- (j) placards, playbills, pamphlets, advertising Signs, writings, pictures, or drawings which are indecent or may tend to corrupt or demoralize anywhere on or adjacent to a highway or public place;
- (k) a Sign which may cause nuisance or unreasonable levels of noise, glare, vibration or similar inconveniences to a Member or resident on Tzeachten Lands;
- (l) an illuminated or engineered Sign within 300m of the lot line of a residential home or dwelling unit;
- (m) a Sign within 6m of an intersection or pedestrian crosswalk;
- (n) a Sign within 2m of any property line;
- (o) a Sign within 1.5m of the edge of the travelled portion of a street, curb, or sidewalk;
- (p) a Sign on road rights of way designated as school or playground zones; or
- (q) a Sign placed in any manner that causes Signs to block, interfere with, or be affixed to any authorized traffic Sign, traffic Signal or traffic control device, power pole, or lamppost.

PART 6. EXEMPTIONS AND NON-CONFORMING USE

6.1 Despite subsection 5.1, the following Signs are exempt from the prohibitions under this Law and may be installed subject to the following conditions:

- (a) subject having a permit and to the non-conforming use provisions set out in subsection 6.2, a Billboard within the B.C. Hydro Right-of-Way area;
- (b) a Sign displayed within a building;
- (c) a Sign that identifies a building;

- (d) a Sign owned or leased by the Tzeachten;
- (e) a Sign of a construction company on the land where the construction is being actively carried out;
- (f) a Sign advertising the lease of the property upon which the Sign is located provided that the Sign shall not exceed three (3) metres in height by three (3) metres in width and five (5) metres in height from the ground total and which is removed within three (3) days of the property or last unit being leased;
- (g) a Sign required by law or posted by a utility for public safety;
- (h) a Sign required under Tzeachten law for rezoning, public notification or any other purpose unless otherwise specified in the Tzeachten law;
- (i) an election Sign located outside of Tzeachten Community Lands, provided the interest-holder consents, the Sign otherwise complies with this Law, and is removed within 24 hours of the close of polls for the election;
- (j) a Sign located on the property of a public institutional building such as a church, school or museum provided the Sign is used only to display the name of the institution and educational material and provided that the Sign shall not exceed three (3) metres in height by three (3) metres in width and five (5) metres in height from the ground total; or
- (k) a Sign for the convenience or information of the public on a bench, building or structure owned or leased by Tzeachten..

6.2 The Tzeachten community have expressed a strong desire to phase out Billboards. Therefore, existing Billboards, that were legally installed in the B.C. Hydro Right-of-Way area prior to the date on which this Law was amended in 2023, may remain in place subject to the following conditions:

- (a) the maximum length of time a validly installed pre-existing Billboard may remain in place is ten (10) years after the date on which this Law was amended in 2023;
- (b) the owner or permittee for each Billboard must remain in good standing which includes maintaining any required permits and paying any required fees and taxes; and
- (c) a Billboard meeting these conditions can be repaired but cannot be substantially altered, converted to a different type of Billboard, expanded, relocated or replaced.

PART 7. DUTIES AND RESPONSIBILITIES OF THE SIGN OWNER

- 7.1 Except in compliance with an exemption under this Law as confirmed in writing by the Tzeachten Lands Office, no Person shall commence the installation nor authorize or permit the installation of a Sign unless a valid permit as required by this Law has first been obtained.
- 7.2 The Owner shall ensure the removal of the Sign when the purpose of the message is no longer required or a valid permit for the Sign is no longer in effect.
- 7.3 Owners shall ensure that all Signs are constructed in accordance with all applicable laws and permits and maintained to a safe and presentable standard to avoid risk of injury to any person or damage to any property.
- 7.4 Except for portable Signs, Signs and Sign structures shall be designed and constructed as

herein provided and in accordance with Part 4 of the British Columbia Building Regulations, to resist wind, seismic and dead loads.

- 7.5 For Signs larger than 3m in width or height or with electrical lighting, or for Signs designated by regulation or Resolution, a professional engineer shall be required to submit Signed, sealed and dated structural drawings and may be required to supervise all engineered components of the Sign.
- 7.6 Except for portable Signs and Signs located in landscaped areas, or as otherwise set out in an exemption or in a permit, all Signs shall have a clear space of 2.5 metres between the lowest portion of the Sign and the finished grade, sidewalk or street.

PART 8. APPLICATION

- 8.1 An application for a Sign permit shall be completed on the form attached as Schedule "A" and forming part of this Law, and accompanied by the fees as prescribed in Schedule "B", attached and forming part of this Law.
- 8.2 The applicant shall provide:
- (a) a plan of the proposed Sign, including where required, engineering plans;
 - (b) the intended location of the Sign including a site diagram;
 - (c) the proposed size of the Sign;
 - (d) the proposed construction materials for the Sign;
 - (e) whether or not there will be connections to electricity;
 - (f) the proposed wording, message or image for the Sign;
 - (g) the written consent of the land holder or interest holder;
 - (h) And any other information set out in the application form or required by regulation or Resolution.
- 8.3 The Lands Manager may require the applicant to provide any further information the Lands Manager deems necessary to determine the compliance of a proposed Sign with this and all other applicable Laws, regulations and forms.
- 8.4 In reviewing a Sign permit application, the Lands Manager shall consider such factors as:
- (a) the need to encourage a consistent street appearance to ensure traffic and pedestrian safety and the applicant's interest in secure fair exposure for their Sign;
 - (b) the desire to promote a particular area development theme as set out in the Land Use Plan or Zoning Law in force from time to time; and,
 - (c) Tzeachten's desire to reduce visual clutter by improving the visibility, legibility and readability of all permitted Signage having consideration to the number, size and location of advertisements.
- 8.5 Despite subsection 8.2 above, where a Sign is small, temporary, or of low value, the Lands Manager may waive or vary some of the requirements set out in subsection 8.2 and may accept a photograph and sketch plan in place of more detailed plans.

PART 9. TYPES OF SIGNS

SPECIAL EVENT SIGNS

9.1 Signs required to advertise a special event shall be regulated as follows:

- (a) Signs shall be limited to a changeable copy Sign or other portable Sign approved by the Lands Manager;
- (b) Signs shall be professionally made and constructed of durable, weather resistant materials, such as aluminum, powder coated steel, wrought iron or sealed wood finished surfaces;
- (c) Signs shall be at a location approved by the Lands Manager;
- (d) Signs shall not be displayed for more than 30 days per special event;
- (e) Signs shall be removed within four (4) days of the end of the special event;
- (f) only one (1) special event Sign shall be allowed per event, unless otherwise approved by the Lands Manager;
- (g) only four (4) special event Signs shall be allowed per calendar year for the same organization; and
- (h) Signs shall be limited to two sides, four (4) feet tall by eight (8) feet wide and six (6) feet and 10 inches in height from the ground total.

BUSINESS PROMOTION SIGNS

9.2 Signs required by a business to advertise a promotion shall be regulated as follows:

- (a) Signs shall be limited to a changeable copy Sign or other portable Sign approved by the Lands Manager;
- (b) Signs shall be professionally made and constructed of durable, weather resistant materials, such as aluminum, powder coated steel, wrought iron or sealed wood finished surfaces;
- (c) Signs shall be at a location approved by the Lands Manager;
- (d) Signs shall be promotional in nature and not a general advertisement for the business;
- (e) Signs shall be limited to two sides, four (4) feet tall by eight (8) feet wide and six (6) feet and 10 inches in height from the ground total;
- (f) only one (1) promotional Sign shall be allowed per business at one time, unless otherwise approved by the Lands Manager;
- (g) the maximum duration of any business promotion Sign permit shall be one (1) year;
- (h) subject to paragraphs (e) and (f), upon the expiry of a valid business promotion Sign permit, a business may apply for a new one; and
- (i) recognizing the benefit of the Vedder Plaza shopping centre located on Tzeachten Lands to Tzeachten and its members, the Lands Manager may deny a business promotion Sign permit if the proposed Sign may be prejudicial to one or more tenants of that shopping centre.

CONSTRUCTION PROJECT SIGNS

9.3 In addition to a Sign permitted under Section 14 or 16, a temporary Sign may be permitted for any business who may be affected by Tzeachten capital works or other construction projects subject to the following:

- (a) the Sign is a changeable copy Sign or other portable Sign approved by the Lands Manager;
- (b) the Sign is professionally made and constructed of durable, weather resistant materials, such as aluminum, powder coated steel, wrought iron or sealed wood

- finished surfaces;
- (c) the Sign is removed within 10 days of completion of the project or when the construction no longer interferes with the business to which the Sign pertains; and
- (d) the Sign is at a location approved by the Lands Manager.

BUSINESS PREMISES SIGNS

- 9.4 In addition to a Sign permitted under section 14 or 15, businesses can advertise their activity by means of a sandwich board or other portable Sign approved by the Lands Manager and those Signs shall be regulated as follows:
- (a) Signs shall be professionally made and constructed of durable, weather resistant materials, such as aluminum, powder coated steel, wrought iron or sealed wood finished surfaces;
 - (b) Signs shall not extend beyond the walkway directly in front of the business the advertisement refers to, and shall not interfere with public safety or pedestrian traffic;
 - (c) only one (1) Sign shall be allowed per business at one time;
 - (d) the duration of any business premises Sign permit shall be one (1) year;
 - (e) subject to paragraphs band c, upon the expiry of a valid business premises Sign permit, a business may apply for a new one;
 - (f) no Sign shall be greater than two sides;
 - (g) no Sign shall be greater than two (2) feet by three (3) feet in dimension;
 - (h) Signs shall not exceed a height of three (3) feet;
 - (i) Signs shall be limited to an advertisement for the applicable business; and
 - (j) recognizing the benefit of the Vedder Plaza shopping centre located on Tzeachten Land to Tzeachten and its members, the Lands Manager may deny a business premises Sign permit if the proposed Sign may be prejudicial to one or more tenants of that shopping centre.

PART 10. TAXATION

- 10.1 Each permanent Sign for commercial purposes is subject to taxation under the Tzeachten *Property Taxation Law*.

PART 11. ENFORCEMENT

- 11.1 The Lands Manager, an enforcement officer, or another Tzeachten representative designated in writing by the Lands Manager is hereby empowered to:
- (a) enter at all reasonable times on any property to ascertain whether the regulations or directions are being observed;
 - (b) order a person who is contravening any of the provisions of this Law to comply with such provisions within a time period specified in the order;
 - (c) order work to stop if any part of the work is proceeding in contravention of any of the provisions of this Law, or if there is an unsafe condition on the real property upon which the work is being carried out;
 - (d) order the immediate removal or modification or affect the removal or modification of any Sign constructed without a permit;
 - (e) order the removal or medication of any Sign or part thereof constructed or maintained in contravention of any of the provisions of this Law or a permit; and
 - (f) revoke a permit issued under this Law if:

- (i) there is a contravention of this Law or the permit;
- (ii) the permit was issued in error;
- (iii) the permit was issued on the basis of incorrect information; or
- (iv) any fees required to be paid under this Law are not paid.

PART 12. OFFENCES AND PENALTIES

12.1 Any person who contravenes any provision of this Law, or who fails to comply with any permit, order, notice or direction issued pursuant to this Law, commits an offence and is liable:

- (a) to the fine set out in Schedule "C" or the *Tzeachten Ticketing and Enforcement Law* and, if no fine is set out, a fine of \$200 per day for each day of a continuing offence, or
- (b) on summary conviction to a fine not exceeding \$10,000 or imprisonment for a term not exceeding six months.

12.2 Each day that a violation exists shall constitute a separate offence.

PART 13. REGULATIONS, FEES AND FORMS

13.1 Council may, by Council Resolution

- (a) pass any regulations necessary to implement this law; and
- (b) establish, correct, revise or update the terms of any applicable fee, schedule, form, protocol or other related documentation which complement and support this Law.

PART 14. GENERAL

14.1 The headings of parts and sections in this Law have been inserted as a matter of convenience and for reference only and in no way define or limit or any of its provisions.

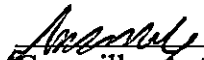


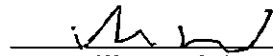
14.2 In the event that all or any part of any section or sections of this Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.

14.3 If any portion of this Law is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Law shall be deemed to have been adopted without the severed portion.

PART 15. COMING INTO FORCE

15.1 This Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of Part 3 of the Land Code.

BE IT KNOWN that this Law entitled the *Tzeachten First Nation Sign Law* is hereby enacted by a quorum of Council at a duly convened Council of the Tzeachten First Nation held on _____, 2023.


Chief Derek Epp
Councillor Anthony
Malloway
Councillor Sandra Pederson
Councillor Loren Muth
Councillor Melvin Williams
Jr.

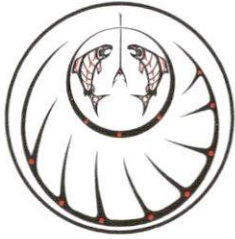
A quorum consists of 3 Council Members

Schedule 'A'
Application Form

Schedule 'B'
Fee Schedule

- | | |
|---|-----------|
| 1. Business Premises Sign Fees: | \$ 30.00 |
| 2. Business Promotion Sign Fees: | |
| a. 30 days | \$ 30.00 |
| b. 180 days <i>(6 months)</i> | \$170.00 |
| c. 365 days <i>(One year)</i> | \$330.00 |
| 3. Construction Project Sign Fees: | No Charge |
| 4. Other Sign Fees: | |
| a. Up to \$1,000.00 value: | \$ 30.00 |
| b. \$1,000 and up in value: | |
| i. First \$1,000.00 | \$ 30.00 |
| ii. Each additional \$1,000.00 or part thereof | \$ 5.00 |
| 5. Special Event Sign Fees: | |
| a. Not-for-profit organization or event | No Charge |
| b. For-profit organization or event | \$ 30.00 |
| 6. All Fees are payable at the time the application is submitted. | |
| 7. Payment is to be made directly to Tzeachten Lands Office: | |
| a. by cash; or | |
| b. by cheque. | |
| 8. All Fees are non-refundable. | |

Schedule 'C'
Fines



Tzeachten First Nation

45855 Promontory Rd, Chilliwack, B.C V2R 0H3
Telephone 604.858.3888 Fax 604.858.3382



TZEACHTEN COUNCIL RESOLUTION

RES 23-07

TZEACHTEN SIGN LAW

WHEREAS the Tzeachten First Nation has an inherent right to self-government which emanates from our people, culture and land and which is recognized and affirmed by section 35 of the constitution Act, 1982;

AND the Tzeachten First nation has taken over control and management of Tzeachten Reserve lands and resources pursuant to the *Framework Agreement on First Nation Land Management* and has enacted *Tzeachten Land Code* effective the 31st day of August, 2008;

AND under the Tzeachten Land Code, Tzeachten Council is authorized to pass various laws relating to lands including laws relating to zoning and land use under sections 3.1(a) and 3.3 of the Code;

AND Council wishes to implement a law to ensure that the use of land within Tzeachten Lands is regulated to protect the community, Tzeachten Lands and any person holding an interest in Tzeachten Lands from unsustainable or incompatible developments or land uses and to encourage developments and land uses that contribute to the well-being of the community and the environment;

AND Council passed the *Tzeachten Sign Law* on March 26, 2020 and Council believes it is necessary to amend the Law to clarify certain provisions;

NOW THEREFORE, the *Tzeachten Sign Law* is hereby amended at a duly convened meeting as a Law of Tzeachten First Nation

Quorum for the Tzeachten First Nation consists of 3.

Dated this 8 day of March 2023.

Chief Derek Epp

Councillor Loren Muth

Councillor Sandra Pederson

Councillor Anthony Malloway

Councillor Melvin S. Williams Jr.