



SIGN BYLAW No. 1661

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BYLAW NO. 1661

SIGN BYLAW

A bylaw to regulate signs

WHEREAS the Town of Smithers may, by bylaw, regulate and prohibit signs;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

1 – ADMINISTRATIVE PROVISIONS

- 1.1 This bylaw may be cited as "Bylaw No. 1661 – Sign Bylaw" and takes effect as of the date of adoption.
- 1.2 The "Town of Smithers Sign Bylaw, No. 1450" and amendments are hereby repealed.
- 1.3 If any portion of this bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

2 - PURPOSE

- 2.1 The purpose of these Sign regulations is to:
 - a) encourage the effective and efficient use of Signs as a means of communication in the Town;
 - b) maintain and enhance the Town's resident's quality of life by maintaining an aesthetic environment;
 - c) provide pedestrian and vehicle traffic safety;
 - d) prevent hazardous situations, injury to Persons, and damage to property;
 - e) minimize the possible adverse effects of signs on nearby public and private property; and
 - f) enable the fair and consistent enforcement of these Sign restrictions.

3 - DEFINITIONS

- 3.1. Any term not defined shall be interpreted in accordance with the current edition of the Concise Oxford English Dictionary. In this Bylaw:

“Animated Sign” means any Sign on which movement or change of lighting is used to depict action or create a special effect, and any sign on which the message changes more than 24 times in a 24 hour period, but excludes digital time or temperature display.

“Balloon Sign” means an inflated, three-dimensional device, intended to attract the attention of Persons to a business or undertaking.

“Banner Sign” means a Sign made up of lightweight fabric or other similar material, which can be hung from a building face or on a Structure.

“Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source and any light with one or more beams that rotate or move.

“Bench, Telephone Booth, and Bus Shelter Sign,” means Signs on bus stop benches, bus stop shelters, telephone booths, or waste receptacles located upon a road right of way authorized by the Town and the authority providing the telecommunication or transit service.

“Building Sign” means any Sign attached to a building, as opposed to a freestanding sign.

“Canopy Sign” means any Sign that is attached to or part of a canopy, or other protective cover over a door, entrance, window, or outdoor service area.

“Commercial Message” means any wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

“Construction Sign” means a Sign of any type indicating that a building project on the same property on which the Sign is located is about to be undertaken, or is currently in progress.

“Community Event Sign” means any Sign advertising an activity sponsored by a registered non-profit corporation or Government organization erected on a road right of way.

“Council” means the Council of the Town of Smithers.

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“Director” means the Director of Development Services or Bylaw Enforcement Officer for the Town of Smithers, or designate.

“Fascia Sign” means a Sign that displays only one Sign surface and is attached parallel to, but within 0.3m (1 ft) of; or painted on the surface of a wall, building, or structure and is supported by such wall, building, or structure.

“Flag” means any single piece of fabric hanging from a pole or poles that contains the colours, patterns, or symbols of a government or country and contains no Commercial Message and is not larger than 2 m² (21.5 ft²).

“Flashing Sign” means any Sign on which a regular or repetitive change of intensity of illumination occurs.

“Freestanding Sign” means any Sign supported by Structures or supports that are placed on, or anchored in, the ground and that are not attached to and are structurally independent from any building or other structure, but does not include a Sandwich Board Sign, Political Sign or Real Estate Sign.

“Incidental Sign” means a Sign, generally informational, that has a functional purpose incidental to the use of the site on which it is located, and conveys information such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives such as the building address, building date, etc. Signs warning of an imminent physical hazard or danger, and signs prohibiting trespass shall be considered incidental signs. No Sign with a Commercial Message shall be considered an Incidental Sign. No Sign with an area of over 1.5 m² (16 ft²) shall be considered an Incidental Sign.

“Marquee Sign” means a Sign suspended beneath a canopy or awning, or other horizontal surface and supported by that Structure, and is oriented to be visible to pedestrian traffic.

“Pennant Signs” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in a series, and usually designed to move in the wind.

“Person” means any individual, association, company, corporation, firm, organization, or partnership singular or plural, of any kind.

“Political Sign” includes any Sign primarily intended to promote the activities or the cause of any political group or entity or to encourage or discourage any Person to vote in any manner at an election or public referendum, whether Federal, Provincial, or Municipal.

“Portable Sign” means any Sign not attached to the ground or other permanent Structure, but does not include a Sandwich Board Sign, and also means (1496) or a Sign designed to be transported, including, but not limited to, Signs designed to be transported by means of wheels.

“Projecting Sign” means a Sign other than a Canopy Sign which is attached to a building or wall in such a manner that its leading edge extends more than 0.3 m (1 ft) beyond the surface of the wall or building to which it is attached.

“Real Estate Sign” means a Sign of any type indicating that real property is for sale or lease.

“Roof Line” means the horizontal line joining the points of intersection of the exterior wall of the building with the roof of the building. In the case of a building with a pitched roof, the Roof Line shall be at the eaves line.

“Roof Sign” means any Sign erected and constructed on and over the roof of a building, and extending vertically above the highest portion of the Roof Line by more than 1 m (3.3 ft). A Fascia Sign extending above a Roof Line, shall be considered a Roof Sign.

“Sandwich Board Sign” means a Sign with no electrical power supply, supported only by its own weight and has a maximum dimension of 0.6 m (2 ft) horizontal by 1.2 m (3.9 ft) vertical.

“Sign” means any Structure, device, fixture, or visual representation that uses colour, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a Person or entity, or to communicate information of any kind to the public.

“Site” means any Lot or number of Lots that are of sufficient area and dimension to meet minimum zoning requirements for area, coverage, and use, and any other zoning regulations regardless of the presence of internal legal boundaries, which is used for a single purpose or development.

“Structure” means a construction of any kind, whether fixed to, supported by or sunk into land or water or attached or affixed to any other construction and includes buildings and fences.

“Town” means the Town of Smithers.

4 - INTERPRETATION

- 4.1 In this bylaw imperial measurements are given for convenience only. The metric measurement shall be considered the applicable measurement.

- 4.2 All zones referenced in this bylaw are from the Town of Smithers Zoning Bylaw current at the time.

5 - CALCULATIONS

- 5.1 **Calculating the Area of Individual Signs.** The area of a Sign with only one face is the total area forming a square, triangle, rectangle, or circle which encompasses the outer edge of the writing, representation, emblem, or other display, including any frame or border and any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against which it is placed. The area of the Sign shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of the Applicable Zoning Bylaw and is clearly incidental to the display itself.
- 5.2 **Calculating the Area of Multifaced Signs.** The area of a Sign with more than one face shall be calculated as in Section 5.1 except that the area of Sign shall be calculated by adding together the area of all Sign faces visible from any one point. When two Sign faces are placed back to back, so that both faces are not visible from any one point at the same time, and when such faces are part of the same Structure, the Sign area shall be the area of the larger of the 2 faces.
- 5.3 **Calculation of Height.** The height of the Sign shall be calculated as the vertical distance from the top of the highest component of the Sign, including any supporting framework or bracing, to the base of the Sign or supporting framework or bracing at the average level of finished ground adjoining a building or Sign Structure to which the Sign is attached, which average level shall exclude any vehicle or pedestrian entrances and shall be calculated without regard to the effect of any filling, berming, mounding, or excavating carried out solely for the purpose of locating the Sign.

6 - EXEMPTIONS

- 6.1 This Bylaw does not apply to the following.
- a) Any public notice or warning required by a valid and applicable Court; or a Federal, Provincial, or Town Bylaw, regulation, or requirement.
 - b) Any Sign erected or placed by the Town, or erected or placed under the direction of the Town, on Town owned land or road right of way.
 - c) Signs located in the interior of buildings.
 - d) Works of art that do not include a Commercial Message or a political message.

- e) Holiday lights and decorations that contain no Commercial Message.
- f) Bench, Telephone Booth, and Bus Shelter Signs.
- g) Flags.
- h) Signs on motor vehicles.
- i) Incidental Signs.

7 - PROHIBITED SIGNS

- 7.1 Any Sign not expressly permitted under this Bylaw or exempted from regulation hereunder is prohibited within Town boundaries. Such Signs include, but are not limited to Animated Signs, Beacons, Flashing Signs, Portable Signs, and Roof Signs.
- 7.2 Any Sign which pertains to an event that has passed, or purpose of which no longer applies, or advertises a business which does not have a required valid Business Licence with the Town is not permitted and shall be deemed to be abandoned.
- 7.3 Any Sign which contains indecent or obscene pictures, drawings, or words.

8 - DESIGN, CONSTRUCTION, AND MAINTENANCE

All Signs shall be designed, constructed and maintained in accordance with the following standards:

- 8.1 All Signs shall comply with applicable provisions of the British Columbia Building Code, including Part IV (Structural Design) and Appendix C (Climatic Information), and the British Columbia Electrical Code, and shall be maintained in good structural condition, and in compliance with these codes at all times.
- 8.2 No Sign, except Sandwich Board Signs, Real Estate Signs, Signs in residential areas that are smaller than 1 m² (11 ft.²), and Banner Signs, may be erected, constructed, placed, structurally altered, relocated, or enlarged without first consulting with the Director to determine if a Building Permit, or Development Permit is required.
- 8.3 Except for Sandwich Board Signs, all Signs shall be constructed of permanent and durable materials. Except for Banner Signs, Balloon Signs, Pennant Signs, Portable Signs, Real Estate Signs, and Sandwich Board Signs, all Signs shall be

attached to the ground, building, or another Structure by direct attachment to a rigid frame, wall or Structure.

- 8.4 All Signs shall be maintained on a continual basis so that at no time is there any danger of personal injury or hazard to property. All Sign area, background, lighting and embellishments shall be continuously maintained so that the Sign does not exhibit wear, neglect, or damage.
- 8.5 All Signs extending over an area accessible by motor vehicle shall have a minimum vertical clearance of 4.5 m (14.8 ft.).
- 8.6 All electrical Freestanding Signs shall be served by underground wiring.
- 8.7 The Director may require, prior to the issuance of a Building Permit, where required, in matters of structural stability, that all drawings and specifications or any part thereof be prepared and sealed by, and the construction carried out under the supervision of, a Professional Engineer registered in the Province of British Columbia, and the Director may refuse to issue a Building Permit until the Director is provided with Letters of Assurance as specified by the BC Building Code.
- 8.8 All Signs to be erected in the Form and Character Development Permit Area shall conform to the Alpine Theme architectural design guidelines.

9 - PERMIT REQUIREMENTS

- 9.1 No Person shall erect, place, construct, relocate, or alter any sign within the Municipality without first obtaining a permit, as provided under this Bylaw.
- 9.2 Sign Permits are not required for Construction Signs, Community Event Signs, Political Signs, Signs in Residential Zones, Real Estate Signs, and Sandwich Board Signs on private property.
- 9.3 No Sign Permit shall be issued for an existing or proposed Sign that is contrary to this Bylaw.
- 9.4 Where a Development Permit is issued which approves a Sign, a Sign Permit is not required.
- 9.5 Sign Permit applications shall be accompanied by the following fees.

SIGN TYPE	PERMIT FEE PER SIGN
Balloon Signs, Banner Sign, Canopy Sign, Fascia Sign, Marquee Sign	\$25.00
Freestanding Sign, Projecting Sign	\$50.00

Sandwich Board Signs on road right of way	\$50.00
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- 9.6 A Sign Permit may be issued only after an application has been made to the Director. Applications for Sign Permits shall contain the following, unless certain information is determined by the Director to be not necessary to ensure compliance with this Bylaw.
- a) A completed application form prescribed by the Director.
 - b) The approval of, or delegated authority from, the property owner.
 - c) The owner's name and address.
 - d) The legal description and civic address of the site, building or structure upon which the Sign is to be displayed or attached.
 - e) A site plan showing accurate placement of the proposed Sign, including the setbacks to existing Signs, buildings, and property boundaries.
 - f) All dimensions of the Sign, supporting structure and height above finished grade.
 - g) Scale drawings of the Sign including copy and colours to be used.
 - h) Such other information as the Director may require to determine full compliance with this and other applicable Bylaws of the Town.

10 - SIGNS IN ROAD RIGHT OF WAYS

- 10.1 The following Signs only shall be allowed in a road right of way.
- a) Signs erected on behalf of a government body to post legal notices, identify public property, convey public information, direct or regulate pedestrian or vehicular movement, or as related to any other legitimate government function.
 - b) Signs erected by a contractor or other agency doing authorized work within the road right of way.
 - c) Informational Signs of a public utility regarding its poles, lines, pipes, or facilities.
 - d) Canopy Signs, Projecting Signs, and Marquee Signs projecting over a road right of way in conformity with the conditions of this Bylaw and provided that an Encroachment Agreement has been entered into with the Town.
 - e) Community Event Signs to a maximum of 8 m² (86 ft.²) in area provided that a Highway License of Occupation Agreement has been entered into with the Town for those Signs over 1.5 m² (16 ft.²) in area. Community Event Signs shall not be erected for a period exceeding thirty (30) days, and shall be removed upon completion of the event.

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- f) Signs advertising a real estate sales open house on the day of the open house to a maximum of 6 Signs, each being no greater than 1 m², per open house.
 - g) Political Signs provided that License of Occupation Agreement has been entered into with the Town for those Signs over 1.5 m² (16 ft.²) in area, and:
 - i) Political Signs are permitted on road right of ways only during Federal, Provincial or Municipal election or referendum periods and shall be removed within seven days after the election/voting day;
 - ii) Political Signs are deemed to be the property of and to have been erected, placed, installed, displayed or maintained by the Person or Persons whose name or names are displayed thereon, in addition to the applicant for any applicable agreement;
 - iii) Political Signs are not permitted in flower beds and formal landscaped areas.
 - h) Sandwich Board Signs in the C-1 and C-1A zones, provided that a Highway License of Occupation Agreement has been entered into with the Town for those Signs, and provided that the Sign:
 - i) shall be displayed only during the operating hours of the business or activity to which the Sign pertains; and
 - ii) shall be a single Sign placed only along the frontage of the business or activity to which the Sign pertains, and shall be stable.
- 10.2 No Person shall erect or maintain any Sign on, or over, a road right of way without first obtaining an Encroachment Agreement or Highway License of Occupation Agreement from the Town. The Director may require any applicant for the Encroachment Agreement to file with the Town a satisfactory certificate of insurance to indemnify the Town against any and all forms of liability to a minimum of \$2,000,000. The insurance shall include the Town of Smithers as “Additional Insured” and shall be maintained in full force and effect during the term of the existence of the Sign and said insurance policy or certificate shall provide that the Town be notified of any cancellation of the insurance ten (10) days prior to the date of such cancellation, and the holder of the Sign permit has provided an executed Waiver, Release and Indemnity to the Town.
- 10.3 Any Signs erected or placed on a road right of way, or other Town owned property, not constructed or placed in strict compliance with the requirements of this Bylaw, shall be forfeited to the Town and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the

owner or Person placing the Sign the full costs of removal and disposal of that Sign.

- 10.4 Any Sign in a road right of way with an existing Encroachment Agreement at the time of the adoption of this Bylaw is permitted under this Bylaw provided the Encroachment Agreement remains in effect and approved by the Town of Smithers.

11 - GENERAL SIGN REGULATIONS

11.1 No Sign may:

- a) Advertise a business or use which is operating contrary to the current Town of Smithers' Zoning Bylaw or Business License Bylaw;
- b) No Sign shall contain any Commercial Message except advertising for goods and services offered on the premises where the Sign is located, if offering such service at such locations conforms with all requirements of the Zoning Bylaw and Business License Bylaw, except for Construction Signs.
- c) Interfere with the placement or use of any equipment or Structure required for any Town purpose; or
- d) Pose a hazard to any person or property.

11.2 Only Signs in commercial zones may be illuminated.

11.3 No Sign or part of a Sign shall obscure or obstruct vision within 5 m (17 ft.) of the intersecting Lot lines where two road right of ways meet. In addition, no Sign shall obscure or obstruct vision along a road right of way, obstruct pedestrian movement, or obstruct vehicle movement, in a manner unacceptable to the Director.

11.4 No Political Signs are permitted on Freehold land owned by the Town of Smithers.

11.5 No Political Signs are permitted contrary to Provincial or Federal legislation.

12 - SIGN RESTRICTIONS BY SIGN TYPE

12.1 Signs on private property are subject to the following restrictions and regulations. Signs in residential zones are subject to additional requirements contained in Section 13 of this Bylaw.

- a) Balloon Signs are permitted only in commercial zones, and:

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- i) shall be erected for a maximum of fifty (50) days per calendar year per business;
 - ii) shall be securely fastened to prevent excessive movement.
- b) Banner Signs are permitted only in commercial, industrial and public use zones, and:
 - i) those which are more than 1.5 m² (16 ft.²) in area shall be installed for a maximum of one hundred (100) days per calendar year per business;
 - ii) shall not exceed a size of 10 m² (107 ft.²) per site.
 - iii) shall be attached to its support in such a way as to prevent flapping.
- c) Canopy Signs are permitted in all zones, and:
 - i) shall not project within 0.6 m (2 ft) horizontally from a curb line;
 - ii) shall not extend above the top of the canopy or below the underside of the canopy;
 - iii) shall have a minimum vertical clearance of 2.6 m (8.5 ft.) above grade;
 - iv) shall not exceed an area of 1.2 m² (13 ft.²) of area per 1 m. (3.3 ft.) of building frontage.
- d) Construction Signs are permitted in all zones, and:
 - i) may be located upon the property where construction has commenced and where a valid Building Permit has been issued;
 - ii) shall be removed within fifteen (15) days after completion of construction on the property;
 - iii) shall not exceed an area of 5 m² (54 ft.²) and a height of 10 m (33 ft.).
- e) Fascia Signs are permitted in all zones, and
 - i) shall not exceed an area of 1.2 m² (13 ft.²) per 1 m (3.3 ft.) of building frontage;
 - ii) shall not extend above the top of the roof line or beyond the side of a building.

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- f) Freestanding Signs are permitted in all zones, except the C-2 zone, and:
- i) shall not encroach over any road right of way;
 - ii) any Sign extending over a pedestrian area shall have a minimum vertical clearance of 2.6 m (8.5 ft.);
 - iii) shall not exceed a height of 5 m (16 ft) or an area of 10 m² (107 ft²). Freestanding signs located along the Highway 16 corridor outside of the Downtown boundary, as defined by the Official Community Plan, shall not exceed a height of 7 m (23 ft) or an area of 10 m² (107 ft²).
 - iv) shall be setback a distance of 50 m (164 ft) from any other Freestanding Sign on the same site which has an area greater than 3 m² (32 ft²).
 - v) shall be attached to a permanent base.
- g) Marquee Signs are permitted in all zones, and:
- i) shall not be separated from the underside of the canopy by a distance of more than 0.15 m (0.5 ft.);
 - ii) shall not extend horizontally beyond the limits of the canopy or awning;
 - iii) shall not exceed an area of 0.6 m² (6.5 ft.²);
 - iv) shall have a minimum vertical clearance of 2.6 m (8.5 ft.) above grade;
 - v) shall be limited to one Sign per building entrance.
- h) Projecting Signs are permitted in all zones, and:
- i) shall not project more than 2 m (6.6 ft) from the building to which it is attached;
 - ii) shall not project within 0.6 m (2 ft) of the nearest curb;
 - iii) shall not extend more than 0.6 m (2 ft) above the Roof Line of the building to which it is attached;
 - iv) shall not project over a lane;
 - v) shall be limited to one Sign per building entrance;

- vi) shall not exceed an area of 3 m² (32 ft.²);
- vii) shall have a minimum vertical clearance of 2.6 m (8.5 ft.) above grade.
- i) Real Estate Signs are permitted in all zones, and:
 - i) shall be located only upon the Site referred to on the Sign, or on road right of way immediately adjacent to the Site with the approval of the Director; and
 - ii) shall have a maximum area of 5 m² (54 ft.²); and a maximum height of 5 m. (16 ft.).
- j) Sandwich Board Signs on private property are permitted only in commercial, industrial and public use zones, and:
 - i) shall be stable; and
 - ii) are limited to two Signs per business, per Site.

13 - RESIDENTIAL SIGN REGULATIONS

- 13.1 The following restrictions apply in the R-1, R-2, R-3, R-4, R-5, R-6, R-7 and A-1 zones, notwithstanding Section 12.
- a) In the R-1 and R-2 zones the maximum area of any Sign is 1 m² (11 ft.²) and the maximum height of any Sign is 2 m (6.5 ft.).
 - b) In the R-3, R-4 and R-5 zones the maximum area of any Sign is 2 m² (22 ft.²) and the maximum height of any Sign is 3 m (10 ft.).
 - c) In the A-1, R-6 and R-7 zones the maximum area of any Sign is 4 m² (43 ft.²) and the maximum height of any Sign is 5 m (16 ft.).
 - d) No Sign shall be illuminated.
 - e) Only one Sign is permitted per Site, except for one additional Construction Sign or Real Estate Sign, and Political Signs during Federal, Provincial or Municipal election or referendum periods.

14 - ENFORCEMENT

- 14.1 Any of the following shall be considered an offence, and each day the violation is caused or allowed to continue shall constitute a separate offence, and is punishable according to the *Offence Act*.
- a) To install, create, erect, construct, place, structurally alter, relocate, rebuild, enlarge, or maintain any Sign requiring a Building Permit, without first obtaining a Building Permit.
 - b) To install, create, erect, construct, place, structurally alter, relocate, rebuild, enlarge, or maintain any Sign in a way that is inconsistent with a development permit.
 - c) To install, create, erect, construct, place, structurally alter, relocate, rebuild, enlarge, or maintain any Sign contrary to, or inconsistent with, any provision of this Bylaw.
 - d) To fail to remove or correct any Sign that is installed, created, erected, constructed, placed, altered, enlarged, or maintained contrary to, or inconsistent with, any provision of this Bylaw, or other Town Bylaw when ordered to do so by the Director.
- 14.2 Each offence, upon summary conviction, shall be liable to a penalty up to five thousand dollars (\$5,000.00), and not less than one hundred dollars (\$100.00), for each offence.
- 14.3 The Director is authorized to enter onto any property at any reasonable time, to ascertain whether the requirements of this Bylaw are being met.
- 14.4 The Director may order, in writing, the correction or removal of any work, which is in contravention of this Bylaw.
- 14.5 Where any Sign is:
- a) located in any manner contrary to this Bylaw;
 - b) abandoned;
 - c) in immediate danger of falling; or
 - d) an immediate hazard to the safety of Persons or property

the Director may undertake any works or actions necessary, including the removal of the Sign, to enforce this Bylaw or to protect the safety of Persons or

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property. In addition to other remedies hereunder, the Director shall have the right to recover from the owner or Person placing the Sign the full costs of its actions or works, or the removal and disposal of that Sign. If the Sign is removed by the Director, upon payment of any outstanding costs to the Town, the Signs may be recovered within thirty (30) days. If a Sign is not recovered within 30 days the Town may dispose of the Sign.

READ A FIRST TIME THIS 24TH DAY OF MAY 2011.

READ A SECOND TIME THIS 24TH DAY OF MAY 2011.

READ A THIRD TIME THIS 24TH DAY OF MAY 2011.

ADOPTED THIS 14TH DAY OF JUNE 2011.

Cress Farrow
Mayor

Deborah Sargent
Corporate Administrator (CAO)

**CERTIFIED A TRUE & CORRECT
COPY** of Bylaw No. 1661 cited as
“Bylaw No. 1661 – Sign Bylaw”

Deborah Sargent
Corporate Administrator (CAO)

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