

HOMALCO INDIAN BAND
BYLAW NUMBER 1995-002

A Bylaw to Regulate Signs within the boundaries of
the Indian Reserves of the Homalco Indian Band

PREAMBLE

WHEREAS it is deemed to be in the best interests, health, safety and welfare of the Homalco Indian Band (the "Band"):

- A. to preserve the amenities on its Indian Reserve lands,
- B. to regulate the use of signs within its Indian Reserve lands and any and all matters ancillary thereto as set out in this Bylaw, and
- C. to impose a penalty for any breach, infraction or violation of matters referred to in B hereof.

AND WHEREAS the Indian Act, R.S.C. 1985, Chapter I-5, sections 81(1)(a), (c), (f), (h), (l)-(n), and (p)-(r) provide that the Council of an Indian Band may make such bylaws.

NOW THEREFORE the Council of the Band at a duly convened meeting enacts as a bylaw the following:

1.0 SHORT TITLE

1.1 This Bylaw may be cited for all purposes as the "Homalco Indian Band Sign Bylaw No. 1995-002".

2.0 INTERPRETATION

2.1 All definitions in this Bylaw shall bear the same meaning as those set out in the Indian Act, R.S.C. 1985, Chapter I-5 unless otherwise provided herein.

3.0 DEFINITION

3.1 The following terms, whenever used in this Bylaw or in any resolution of the Council of the Homalco Indian Band (the "Band Council") dealing with this Bylaw, shall have the meanings respectively ascribed to them in this section unless the context otherwise requires:

- "Authorized Person" means:
- (i) a Band Bylaw Enforcement Officer,
 - (ii) any person expressly appointed by the Band Council to exercise authority in relation to this Bylaw, or
 - (iii) any other Peace Officer acting with the express written authority of the Band Council on matters which are the subject of this Bylaw
- within Homalco Indian Reserve lands.
- "Band" means the Homalco Indian Band as defined by section 2(1) of the Indian Act, R.S.C. 1985, Chapter I-5.
- "Band Bylaw Enforcement Officer" means that person appointed by the Band Council to ensure the Bylaws of the Band are being obeyed and complied with, to advise the Band Council of any and all breaches, infractions or violations of such Bylaws and to take instructions from the Band Council as to the procedures for enforcement of such Bylaws.
- "Band Council" means the duly elected Council of the Homalco Indian Band as defined by section 2(1) of the Indian Act, R.S.C. 1985, Chapter I-5.
- "Band Member" means a person whose name is on the Band List of the Homalco Indian Band or a person who is entitled to have her/his name entered on the Band List pursuant to the provisions of the Indian Act, R.S.C. 1985, Chapter I-5, or a duly enacted Membership Code of the Homalco Indian Band.
- "Breaches" means any breach, infraction or violation of the provisions of this Bylaw.
- "Building" means any structure used or intended for use or occupancy within Homalco Indian Reserve lands.
- "Building Accessory" means:
- (i) a building or structure, the use or intended use of which is ancillary to that of the principal building on the same Lot or parcel of land, or

- (ii) a building or structure which is ancillary to the principal use being made of the Lot or parcel upon which such building or structure is located

within Homalco Indian Reserve lands.

- "Canopy" means any overhead or roof-like structure or covering over any entrance to a premises which projects more than 1 foot from the wall of a building, and includes an awning or marquee.
- "Clearance" means the vertical distance between the lowest point of a sign and the finished grade immediately below.
- "Community Activity" means a non-commercial activity of a temporary nature open to the general public within Homalco Indian Reserve lands.
- "Copy" means the actual letters, characters, numbers or graphics which make up the announcement, direction, advertisement or other message on any sign, and includes any decorations specifically related to same.
- "Directional Sign" means a sign designed to direct the traffic of vehicles and/or pedestrians.
- "Display" means the installation, construction, erection, addition, repair, alteration or relocation of any sign.
- "Face of a Sign" means a surface of a sign where the copy is placed.
- "Facia Sign" means a sign marked or inscribed on, attached to or placed against a wall of a building, with the exposed face approximately parallel to such wall.
- "Freestanding Sign" means any sign permanently affixed to the ground, separate from and supported independently of any building or structure.
- "Frontage" means the length of the premises parallel to and along each legally accessible public street which a premises borders, excluding any lane or alleyway.
- "Grade" means the average ground surface elevation at the sign location, as determined by the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council.
- "Height of Sign" means the vertical distance measured from the highest point of the sign to the finished grade immediately below.
- "Highway" for purposes of this Bylaw only, means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, tunnel, causeway, trestleway or other place, whether publicly or privately owned, used for the passage or parking of vehicles, and includes any

sidewalk, boulevard or ditch adjacent or parallel thereto within Homalco Indian Reserve lands.

"Identification Sign"

means a sign limited to any or all of the following:

- (i) the name
- (ii) the street address
- (iii) the occupant of,
- (iv) the business or activity conducted on

any premises within Homalco Indian Reserve lands.

"Illuminated Sign (external)"

means any sign which reflects light from a source intentionally directed upon it, and includes any sign illuminated by indirect lighting.

"Illuminated Sign (internal)"

means any sign which emits light from within its structure.

"Indian Act"

means the Indian Act, R.S.C. 1985, Chapter I-5, consolidations and amendments thereto.

"Lot Line"

means the boundaries of a Lot or parcel of land as prescribed by the Band Council or pursuant to a duly enacted Bylaw of the Homalco Indian Band which designates Lot lines and boundaries within Homalco Indian Reserve lands.

"Minor"

means a person under the age of majority in the Province of British Columbia and, more particularly, a person under the age of 19.

"National Building Code"

for purposes of this Bylaw only, means Parts 2 - 9 of the National Building Code of Canada 1990 (Fourth Revision, January 1993), consolidations and amendments thereto, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada.

"Non-Member"

means a person who is neither a Band member nor entitled to become a Band member.

"Occupier"

means a person occupying premises owned either by the Band or a Band member whether by lease, permit or other such disposition within Homalco Indian Reserve lands.

"Owner"

for purposes of this Bylaw only, means the owner of a sign within Homalco Indian Reserve lands.

"Person"

means any corporation, partnership or party, and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to the law and includes:

(i) the owner, the owner's agent or the purchaser of a Band member's interest in an Agreement for Sale of any real or personal property, buildings or building accessories, or

(ii) the occupier of property or premises

within Homalco Indian Reserve lands.

"Portable Sign" means any sign not permanently attached to the ground or a building, including but not restricted to sandwich board signs, real estate signs and campaign signs.

"Premises" means a site which is separate and distinct from all others as identified by its unique use and/or occupancy, and may include:

(i) a Lot or parcel of land with or without buildings or structures,

(ii) a building or structure located on a Lot or parcel of land,

(iii) 2 or more buildings or structures located on the same Lot or parcel of land, or

(iv) an individual business or residence located within a building where other businesses or residences are also located

within Homalco Indian Reserve lands.

"Project Sign" means a sign which identifies a construction site, development project or other like work in progress.

"Property" means real property being a Lot or parcel of land, including any and all buildings or premises situate thereon within Homalco Indian Reserve lands.

"Reserve" means an Indian Reserve within the meaning of section 2(1) of the Indian Act, R.S.C. 1985, Chapter I-5, and, in particular, all Homalco Indian Reserve lands.

"Sign" means, any publicly displayed announcement, direction, advertisement or other message, placed so as to attract or direct the attention of the general public, but excludes any ground floor window sign.

"Sign Area" means the actual area of a sign on which copy could be placed, and includes any frame or embellishment forming an integral part thereof.

"Temporary Freestanding Sign" means any sign temporarily affixed to the ground, separate from and supported independently of any building or structure. lands.

"Window Sign" means any sign located inside a window to be viewed from outside the premises, and excludes merchandise.

"Zone" means any area in which specific uses or combinations of uses are permitted within Homalco Indian Reserve lands.

4.0 BASIC PROVISIONS

4.1 *Application of the Bylaw*

The provisions of this Bylaw shall apply to the whole of the area or property within, on or under the lands, waters and boundaries of Homalco Indian Reserve lands as described in Schedule "A" hereto.

4.2 *Inspection / Right of Entry*

The Band Bylaw Enforcement Officer or any other person appointed by the Band Council for purposes of inspection is hereby authorized to enter upon any premises at all reasonable times to ascertain whether the requirements of this Bylaw are being obeyed or complied with.

5.0 GENERAL PROHIBITIONS AND RESTRICTIONS

5.1 *Prohibited Signs, Generally*

All signs are expressly prohibited anywhere within Homalco Indian Reserve lands, with the following exceptions:

- (i) signs specifically permitted by this Bylaw,
- (ii) signs for which an application has been made in writing to the Band Council and a permit obtained for such purpose,
- (iii) public information signs displayed by or with the express written consent of the Band Council.

5.2 *Prohibited Signs, Specifically*

Without limiting the generality of section 5.1, the following signs are specifically prohibited within Homalco Indian Reserve lands:

- (i) signs upon or over any public highway,

- (ii) signs equipped with flashing, oscillating or moving lights,
- (iii) portable signs, except signs specifically permitted under this Bylaw,
- (iv) signs on vehicles, except signs which identify the business operating the vehicle,
- (v) signs suspended from or attached to decks, roofs or balconies,
- (vi) revolving or partly-revolving signs,
- (vii) banners, pennants, bunting, flags, balloons or other inflatable devices, unless such signs are specifically permitted under section 6.3 as part of a community activity or event and are temporary in nature.

5.3 *Safety*

All signs shall be maintained in a safe condition at all times. Any sign which poses any danger or hazard to persons or property shall be immediately removed unless the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council has provided written consent to remove or repair such sign by a set date.

5.4 *Obstruction or Interference*

No sign may obstruct or interfere with any of the following:

- (i) visibility or passage on any highway,
- (ii) traffic control devices or traffic warning signs,
- (iii) windows, doors, passageways, fire escapes, walkways or similar features,
- (iv) any part of any residence.

5.5 *Maintenance*

Signs shall be kept clean and readable at all times as well as properly repaired, painted, or otherwise free from any defect whatsoever.

5.6 *Sign Location*

Signs shall pertain only to the occupancy of or activity conducted on the premises where such sign is located, except as otherwise specifically permitted under this Bylaw.

5.7 *Alteration or Relocation*

Signs may be altered or relocated, provided that any such change shall comply with all provisions of this Bylaw and that any required permit has been obtained from the Band Council.

5.8 *Illumination of Signs*

Unless otherwise specifically permitted under this Bylaw, only internal illumination may be used for signs which may be lighted.

6.0 SIGNS PERMITTED WITHOUT PERMIT

6.1 *Identification Signs*

One (1) identification sign is permitted on each premises, subject to the following:

- (i) freestanding signs and facia signs are permitted, provided they meet all provisions of this Bylaw which apply to such types of signs,
- (ii) freestanding signs may be double-faced, to a maximum sign area of 6 square feet per face, and a maximum height of 3 feet above grade,
- (iii) facia signs may not exceed a sign area of 4 square feet, and are permitted at the first storey, grade level or entry of the premises only,
- (iv) identification signs may be internally illuminated.

6.2 *Directional Signs*

A maximum of 2 signs directing vehicles and/or pedestrians may be displayed on any premises, subject to the following:

- (i) freestanding signs and facia signs are permitted, provided they meet all provisions of this Bylaw which apply to such types of signs,
- (ii) freestanding signs may be double-faced, to a maximum sign area of 4 square feet per face, and a maximum height of 7 feet above grade,
- (iii) facia signs may not exceed a sign area of 2 square feet,
- (iv) directional signs may be internally or externally illuminated.

6.3 *Community Activity Signs*

Signs pertaining to community activities or events are permitted, subject to the following:

- (i) signs may be displayed commencing 15 days prior to a community activity or event, and must be removed not later than 3 days after the conclusion of such event,
- (ii) temporary freestanding signs, fascia signs and portable signs are permitted, provided they meet all provisions of this Bylaw which apply to such types of signs,
- (iii) the sign area of a temporary freestanding sign may not exceed 32 square feet, or a height of 7 feet above grade,
- (iv) community activity signs may be internally or externally illuminated,
- (v) banners, bunting, flags, balloons and like regalia are permitted for the duration of the event only.

6.4 *Project Signs*

One (1) project sign may be displayed on a construction site, development project or other like work in progress, subject to the following:

- (i) project signs are restricted to the name of the project and the owners, contractors, architects or other consultants,
- (ii) temporary freestanding signs and fascia signs are permitted, provided they meet all provisions of this Bylaw which apply to such types of signs,
- (iii) temporary freestanding signs may be double-faced, to a maximum sign area of 32 square feet per face,
- (iv) project signs may be internally or externally illuminated,
- (v) project signs shall be removed within 1 week of the completion of the project.

6.5 *Election Signs*

Signs for election or referendum purposes displaying a particular party, candidate or issue are permitted, subject to the following:

- (i) election signs may not be erected prior to the issuance of an election writ, or 30 days before the date of a referendum, and shall be removed not later than 3 days following the date of the election or referendum,

- (ii) temporary freestanding signs and fascia signs are permitted, provided they meet all provisions of this Bylaw which apply to such types of signs,
- (iii) temporary freestanding signs may be double-faced, to a maximum sign area of 32 square feet per face, and a maximum height of 7 feet above grade.

6.6 *Sandwich Board Signs*

Sandwich board signs are permitted, subject to the following:

- (i) only 1 sandwich board sign is permitted for each business,
- (ii) sandwich board signs may only be displayed on the Lot on which the business is located,
- (iii) sandwich board signs may not exceed 6 square feet per face, or a height of 3 feet,
- (iv) sandwich board signs shall be constructed and finished in a workmanlike manner,
- (v) sandwich board signs must meet all other provisions of this Bylaw.

6.7 *Prohibition Signs*

Prohibition signs are permitted, subject to the following:

- (i) prohibition signs may be double-faced, to a maximum sign area of 12 square feet per face,
- (ii) prohibition signs may not exceed a height of 7 feet above grade,
- (iii) prohibition signs may be internally illuminated.

6.8 *Real Estate Signs*

A maximum of 2 real estate signs may be displayed on any premises, subject to the following:

- (i) real estate signs may be temporary freestanding signs only, and may be double-faced,
- (ii) in residential zones, the sign area may not exceed 8 square feet per face, or a height of 4 feet above grade,
- (iii) in non-residential zones, the sign area may not exceed 32 square feet per face, or a height of 7 feet above grade,

- (iv) real estate signs may not be illuminated.

7.0 SIGNS REQUIRING A PERMIT

7.1 *Freestanding Signs*

One (1) freestanding sign may be displayed on a commercial or industrial premises, subject to the following:

- (i) the premises must have a minimum frontage of 50 feet,
- (ii) the sign area may not exceed 1 square foot per lineal foot of frontage, and may not in any case exceed 100 square feet,
- (iii) adjacent businesses may combine their respective frontages and jointly display 1 freestanding sign,
- (iv) the sign height may not exceed 25 feet above grade,
- (v) the sign clearance must be either less than 3 feet or greater than 9 feet above grade. A freestanding sign over a vehicular traffic area, such as a parking lot, must have a minimum clearance of 12 feet above grade,
- (vi) the support structure shall form an integral part of the sign and guy wires may not be used,
- (vii) a freestanding sign located at any road junction shall be placed at equal angles to such junction,
- (viii) the ground at the base of a freestanding sign shall be landscaped to blend in with the surrounding property,
- (ix) a freestanding sign may be internally illuminated.

7.2 *Facia Signs*

Facia signs may be displayed on a commercial or industrial premises, subject to the following:

- (i) 1 facia sign may be displayed on each exterior wall of a building,
- (ii) the total combined sign area of facia signs on 1 building may not exceed 400 square feet, and no single facia sign may exceed a sign area of 100 square feet,
- (iii) facia signs may not project beyond 12 inches from the building face, and may not extend over any window, guard rail, balustrade or similar feature,

- (iv) facia signs may be internally illuminated.

7.3 *Canopy Signs*

One (1) canopy sign may be displayed on any commercial or industrial premises, subject to the following:

- (i) a canopy sign must form an integral part of the canopy, and be painted on or directly attached to the apron of a canopy,
- (ii) a canopy sign may not extend beyond the limits of a canopy,
- (iii) a canopy sign shall have a minimum clearance of 9 feet above grade,
- (vi) canopy signs may not be illuminated.

8.0 **APPLICATION AND PERMITS**

8.1 *Information Required*

An applicant for a Sign Permit pursuant to this Bylaw must provide the following information upon request by the Band Council, Band Bylaw Enforcement Officer or any other person expressly authorized by the Band Council:

- (i) the legal description and street address of the premises where the sign is to be displayed,
- (ii) the proposed location of the sign in relation to the premises where it is to be displayed,
- (iii) the overall dimensions of the sign and any support structure,
- (iv) specifications for construction, foundation, illumination and any materials to be used,
- (v) the dimensions of the sign area, height and clearance,
- (vi) for a facia sign, the dimensions of the wall surface on which the sign is to be displayed,
- (vii) detailed scale drawings of the sign including copy and colours to be used,
- (viii) the sign manufacturer's name and address, if applicable.

8.2 *Fee for Application*

An application for a Sign Permit shall be made or completed in accordance with the form attached to this Bylaw as Schedule "B" and shall be accompanied by an application fee of \$20.00, as amended from time to time.

8.3 *Approval of Application*

The Band Council shall issue a Sign Permit if, in its opinion, the application complies with the all the provisions of this Bylaw. Such permit shall expire if active work is not commenced within a period of 3 months from the date of issuance of the permit.

8.4 *Rejection of Application*

The Band Council may reject an application for a Sign Permit if:

- (i) the sign is contrary to the use permitted by a duly enacted Zoning Bylaw of the Band, as amended from time to time,
- (ii) the building or structure to which the sign is to be attached is incapable of supporting same,
- (iii) the information provided pursuant to section 8.1 is insufficient to enable the Band Council to determine the desirability of such sign,
- (iv) it is the Band Council's opinion that such sign would be unsightly, grotesque or offensive in character.

8.5 *Discretionary Requirements*

As a condition of approval of any application, the Band Council may require:

- (i) drawings and specifications be prepared and sealed by a Professional Engineer registered in the Province of British Columbia,
- (ii) construction be carried out under the supervision of such a Professional Engineer,
- (iii) a letter signed by such a Professional Engineer undertaking to supervise the work authorized by such permit.

8.6 *Electrical Authority*

8.6.1 A permit by issued by the Band Council does not supersede the approval by an Electrical or Building Inspector of the Band or Public Works Canada (the "Inspector") with respect to the installation of electrical signs in compliance with the National Building Code.

8.6.2 If at any time a sign is, in the opinion of the Inspector, in an unsafe or defective condition or in disrepair, the Inspector may give notice to the owner or user of such sign, or owner or occupier of the premises upon which it is displayed, to repair or remove such sign within a period of 15 days or sooner if the condition so warrants.

8.6.3 It shall be the duty of the owner, occupier or user described in section 8.6.2 to repair, disconnect or remove such sign in accordance with the said notice, failing which the Band Council may order the removal of the said sign.

8.7 *Appeals*

8.7.1 The rejection by the Band Council of an application for a Sign Permit may be appealed by:

- (i) filing a Notice of Appeal with the Band Council within 30 days of notice of such rejection,
- (ii) upon receipt of such Notice of Appeal, the appeal shall be heard by a Committee comprised of 3 Band members, none of whom shall be members of the Band Council (the "Appeals Committee").

8.7.2 The Appeals Committee shall be selected by a majority of electors in attendance at a General Meeting of the Band called for such purpose and the tenure of persons selected to such Committee shall be for a fixed period of 2 years.

8.7.3 The decision of the Appeals Committee shall be binding upon the applicant and the Band Council.

8.8 *Fee for Sign Permit*

Permit fees as determined by the Band Council from time to time must be paid prior to the issuance of any Sign Permit.

9.0 SIGN CONSTRUCTION

9.1 *General*

Signs, sign support structures and sign illumination shall comply in all respects with the provisions of this Bylaw and the National Building Code. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the loads shall be transmitted through the structural frame of the building to the ground in such manner as to not overstress any of the elements thereof.

9.2 *Combustible Material*

Wood, leather or other similar combustible material may be used as part of a sign providing:

- (i) its area on 1 face is not greater than 6 square feet,
- (ii) it is attached to a metal frame capable of sustaining all loads borne by the sign.

9.3 *Anchorage*

Signs shall be anchored as follows:

- (i) signs attached to masonry, concrete or steel shall be securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support the loads applied,
- (ii) signs shall not be fastened by nails, staples or screws to wooden blocks, plugs or nailing strips,
- (iii) bolts or lag screws shall not be fastened to window frames or sills. Lag bolts in solid woodwork shall not be less than 1/2-inch in diameter, and shall penetrate the woodwork at least 3 inches,
- (iv) all cables 1/2-inch in diameter and over shall be provided with suitable sleeves. Two (2) cable clips shall be provided for each cable and securely clamped to the sleeves,
- (v) turn-buckles shall be provided for all supporting cables. Side guys may have a turn-buckle for 1 side of any sign. Turn-buckles shall have a breaking strength equivalent to that of the cable to which they are attached.

9.4 *Corrosion*

All cables, turn-buckles, links, bolts and screws, and all devices which are used to support or which form a part of a sign, shall be non-corroding or otherwise protected in an approved manner such as galvanizing.

9.5 *Facia Signs*

Unilluminated facia signs shall be of metal or other non-combustible material. Wood may be permitted for a facia sign provided it is not less than 3/4-inch thick if it is of plywood, and 1 inch nominal thickness if it is of solid wood.

9.6 *Foundations*

The foundation of a freestanding sign shall be of masonry or concrete.

10.0 LIABILITY FOR DAMAGE

The provisions of this Bylaw shall not be construed as relieving or limiting the responsibility or liability of any person displaying, owning, maintaining or using any sign for personal injury or property damage resulting from the placing of such sign, or resulting from the negligence or wilful acts of such person, their agents or employees, in the construction, erection, maintenance, alteration, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor can it be construed as imposing upon the Band Council, its officers or employees, any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Bylaw.

11.0 NON-CONFORMING SIGNS

11.1 All existing signs rendered non-conforming by this Bylaw shall be exempt from the requirements hereunder for a maximum period of 90 days from the date of force of this Bylaw. On or before such date, non-conforming signs will be removed by the owner or modified to conform with the provisions of this Bylaw.

11.2 Any existing signs suspended from or attached to decks, roofs or balconies shall be removed immediately unless the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council has provided written consent to remove such sign by a set date.

12.0 ABANDONED SIGNS

12.1 When a sign ceases to serve the purpose for which it was originally displayed, it shall be removed immediately unless the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council has provided written consent to remove such sign by a set date.

13.0 DEFECTIVE OR UNSAFE SIGNS

13.1 If the Band Bylaw Enforcement Officer or other authorized person has reasonable grounds to believe and does believe that a sign is unsafe, defective or otherwise in breach of this Bylaw, written notice may be given to the owner of such sign to remove or alter such sign immediately unless the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council has provided written consent to remove or alter such sign by a set date.

13.2 It shall be the duty of the owner of the sign to repair or remove the sign in accordance with the written notice referred to in section 13.1, failing which the Band Bylaw Enforcement officer or other person expressly authorized by the Band Council may order the removal of the sign.

14.0 NOTICE

14.1 All notices referred to in or required to be given pursuant to this Bylaw shall be made in writing and shall be served either personally or sent by double registered mail, as follows:

TO: HOMALCO INDIAN BAND
ATTENTION: CHIEF AND COUNCIL
1218 Bute Crescent
Campbell River, British Columbia
V9H 1G5

AND TO: (THE OFFENDER)

14.2 Notice shall be deemed to have been given on the date of delivery if personally served or on the third day after mailing if sent by double registered mail.

15.0 ENFORCEMENT, FAILURE TO COMPLY AND PENALTIES

15.1 The Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council shall investigate and monitor all breaches of this Bylaw, including any complaints arising in relation to the Bylaw, and shall enforce all provisions of the Bylaw.

15.2 Pursuant to section 14.0, any person who has committed a breach of this Bylaw (the "Offender") shall be notified in writing of such breach by the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council.

15.3 If after 15 days following the giving of any notice under to section 15.2, the work required to be performed under such notice remains incomplete and the Band Bylaw

Enforcement Officer or other person expressly authorized by the Band Council has not provided written consent to complete the work by a set date:

- (i) the Offender shall be deemed guilty of an offence and is liable upon summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or both, or
- (ii) the Offender and the Band Council may consent in writing to alternative dispute resolution or mediation and any decision arising therefrom shall be binding upon all parties, or
- (iii) the Band Council may enter upon the subject premises by any means it deems fit and complete the required work at the expense of the Offender.

15.4 The Offender shall pay to the Band Council any costs incurred in any exercise of the Band Council's powers pursuant to section 15.3(iii) by December 31 in the year in which such costs were incurred.

15.5 Any costs which remain unpaid pursuant to section 15.4 shall be added to and form a part of the fees, costs, expenses or taxes payable in respect of such premises:

- (i) if the Offender is a non-member, as arrears on taxes or any other payments due in relation to the Offender's use, occupancy and possession of the premises,
- (ii) if the Offender is a Band member, as a charge against any monies which the Offender may be entitled to receive out of revenues generated by or for the general benefit of the Homalco Indian Band.

15.6 For purposes of proceedings under this Bylaw, the occupier of a premises where a sign is located shall be deemed to be the owner of such sign and the person responsible for any breach of this Bylaw, in the absence of any evidence to the contrary.

15.7 Joint owners or occupiers of any premises shall be deemed to be jointly and severally liable for any breach of this Bylaw.

15.8 The parent or legal guardian of any minor who breaches this Bylaw shall be deemed liable for such breach.

16.0 IMPOUNDMENT OF DEVICES

16.1 If the Band Bylaw Enforcement Officer or other person expressly authorized by the Band Council has reasonable grounds to believe and does believe that a device or thing is

being used in breach of this Bylaw, that person may seize such thing or device for purposes of evidence in a court proceeding.

16.2 Unless a prosecution is commenced against the owner or operator of the device or thing seized pursuant to section 16.1 within 7 days of such seizure, the device or thing shall be returned to its owner or operator immediately upon request. If a prosecution is commenced within 7 days of such seizure, the device or thing shall be held until the proceedings are stayed or concluded in favour of the owner or operator and the device or thing shall thereupon be returned to its owner immediately upon request.

17.0 AMENDMENT / REPEAL

17.1 An application to amend or repeal this Bylaw shall be made in writing and in the same manner as the enactment of this Bylaw, including all special actions, approvals or prerequisites necessary for the original Bylaw.

18.0 MISCELLANEOUS

18.1 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

18.2 Wherever the singular is used in this Bylaw, the same shall be construed as meaning the plural or vice versa where the context so requires.

18.3 The headings of the sections and subsections of this Bylaw are inserted for convenience of reference only and shall not affect the construction or interpretation of this Bylaw in any way.

18.4 The Schedules attached to this Bylaw shall be construed as forming a fundamental part of this Bylaw.

18.5 This Bylaw shall be construed in accordance with the laws of Canada and British Columbia where the context so requires.

19.0 DATE OF FORCE OF BYLAW

19.1 This Bylaw shall come into force and effect 40 days after the original of such Bylaw is forwarded to the Minister of Indian and Northern Affairs Canada unless it is disallowed by the Minister within the said 40 day period, but the Minister may declare the Bylaw in force at any time before the expiration of the 40 day period pursuant to section 82(2) of the Indian Act.

Be it known that this Bylaw entitled, "Homalco Indian Band Sign Bylaw No. 1995-002" is hereby enacted by the Homalco Indian Band Council at a duly convened meeting of the said Band Council held on the 21st day of August, 1995. The Bylaw is consented to by the following members of the Band Council:

CHIEF

M. Coupal
COUNCILLOR

Susan Blaney
COUNCILLOR

COUNCILLOR

[Signature]
COUNCILLOR

being the majority of those members of the Homalco Indian Band Council present at the aforesaid meeting of the Band Council. A quorum of the Homalco Indian Band Council is set at 3 members.

I, MAVIS COUPAL ~~Chief~~ Councillor of the Homalco Indian Band, do hereby certify that an original of the foregoing Bylaw was forwarded to the Minister of Indian and Northern Affairs pursuant to subsection 82(1) of the Indian Act, this 21st day of August, 1995.

M. Coupal
~~CHIEF~~ / COUNCILLOR

[Signature]
WITNESS
S. L. KRENTSEK

MODE:F ACTION:10
DIAND

ILRS - TABLE SUB-SYSTEM
BAND TABLE

VER 1.0 E ILK5040
Remaining:

	Current/Previous Name Indicator
01 Band Code..... 552	(C/P)
02 Band Name..... HOMALCO	C
03	
04	
05 Region..... 09 BRITISH COLUMBIA	
06 French Name.....	

MODE:F ACTION: RESERVE IN THIS BAND VER 1.0 E ILK5041

01 Reserve.. 07910	ORFORD BAY NO. 4
02 07906	HOMALCO NO. 1
03 07915	BARTLETT ISLAND NO. 7
04 07908	HOMALCO NO. 2A
05	
06	
07	
08	

05/23/95 13:24 2604 688 3908

LANDS & RESOURCE

002/003

HOMALCO INDIAN BAND
Sign Bylaw 1995-002

SCHEDULE "B"

Application for a Sign Permit

No. _____

Date _____

I hereby apply for a sign permit on the premises described hereunder:

Legal Description: _____

Street Address: _____

Sign Manufacturer: _____

Address: _____

Sign:

Applicant

Mailing Address: _____

Telephone #: _____

=====

In accordance with this application and Sign Bylaw 1995-002, the sign is approved for installation.

Approved by: _____