

Report to Committee

To:

General Purposes Committee

Director, City Clerk's Office

Date:

April 21, 2011

From:

David Weber

File:

12-8060-20-8713/Vol

01

Re:

Election and Political Signs Bylaw No. 8713

Staff Recommendation

- 1) That the following bylaws, which aim to clarify and modernize the regulations pertaining to election and political signs (as outlined in Option 1 in the staff report dated April 21, 2011 from the Director, City Clerk's Office), each be introduced and given first, second and third readings:
 - a) Election and Political Signs Bylaw No. 8713;
 - b) The Corporation of the Township of Richmond Sign Bylaw No. 5560, Amendment Bylaw No. 8717; and
 - c) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8718; and
- 2) That upon adoption of Election and Political Signs Bylaw No. 8713, Council Policy No. 9304, "Signs Political," adopted on October 12, 1993, is rescinded.

David Weber

Director, City Clerk's Office

(604-276-4098)

Att. 4

F	OR ORIGINATING DEPARTM	ENT USE ONLY
ROUTED To: Community Bylaws Law	CONCURRENCE Y I N D	CONCURRENCE OF GENERAL MANAGER
Transportation	YMN	
REVIEWED BY TAG	YES NO	REVIEWED BY CAO

Staff Report

Origin

The regulatory provisions relating to election and political signs in Sign Bylaw No.5560 are outof-date and lack clarity. A new bylaw and new public information materials are needed in order to provide all concerned with a better understanding of the rules governing the matter. The proposed bylaw and associated updates do not represent a substantive change from Council's current regulation on the matter.

Analysis

The proposed Election and Political Signs Bylaw No. 8713 brings together in one document all current regulation, policy and practice with regard to political signage, with very little substantive change to the intent or effect of what exists currently. By bringing the bylaw provisions up-to-date and combining them with the full range of rules and guidelines that are typically applied, fewer difficulties and a more consistent observance of the rules should follow.

Greater clarity is provided in the proposed bylaw in relation to the time period during which political signage may be erected for federal, provincial and municipal elections. For example, in relation to municipal elections, the new bylaw would permit election signs to be erected without the need for a sign permit starting from the beginning of the nomination period (46 days before election day) until seven days after general voting day.

The proposed bylaw also clarifies the limitations on the placement of election signs on municipal property and structures as well as the limitations on the placement of signage in a hazardous and unsafe manner. The proposed bylaw would apply to candidate signs as well as signs for other formal political matters such as referenda, plebiscites, recall or initiative campaigns.

The long-standing policy of permitting election signage to be placed on a municipal boulevard in front of residential properties with the permission of the property owner is also incorporated into the proposed bylaw, with a proposed new limitation restricting the size of such signage in this situation to approximately 2 x 3 feet. This size limitation is proposed in response to a safety and liability concern that the large temporary signs, which are generally supported by substantial wood frame support structures, create a potential safety hazard when placed in such close proximity to the flow of traffic. In all other cases where political signs are permitted, the maximum size for the sign face of a political sign is proposed to be permitted up to approximately 4 x 8 feet, which is the common upper limit in terms of the typical sign size normally seen.

Provisions are made for the removal of signage that is placed in contravention of the bylaw and further penalties are established and provided through the bylaw adjudication process. With regard to enforcement, however, past experience has shown that candidates and political organizations typically respond quickly to any complaints about signage, requiring little or no formal enforcement proceedings on the part of the City. With greater clarity of the rules around political signage, staff would expect that there would be even fewer instances of dispute over sign placement in the future as most past instances involved a misunderstanding of the rules.

If the proposed bylaw is adopted, the current Council policy (Attachment 1) allowing election signs on boulevards in front of residences would become redundant and should therefore be rescinded. Further, an amendment to the current Sign Bylaw No. 5560 is required to remove regulation regarding election signs under that bylaw and an amendment to the Notice of Bylaw Violation Dispute Adjudication Bylaw No.8122 is also required to add penalties for contraventions of the proposed bylaw.

If the bylaws are adopted as recommended, staff will develop new public and candidate information materials which will explain and illustrate the modernized rules. These materials would also include, for information, the rules set by other levels of government with regard to placement of election signs on their property, for example, the provincial rules in relation to provincial highways. These new public information materials would be made readily available on the City website for use by candidates and electoral organizations contesting federal, provincial and municipal elections and would be included as part of the candidate information and nomination packages that are prepared and distributed in advance of civic elections.

Optional Approaches

During the recent federal election campaign some observations were made that the City's approach to regulating the placement of political signage is strict. While the City's regulations have remained the same for many years, and the proposed bylaw supports a status-quo approach, it is worth considering whether a change in the City's approach might be warranted. In addition to the recommended "status-quo" approach, two general alternatives are outlined below.

Option 1 - The Updated/Modernized Status Quo (RECOMMENDED)

This option is as recommended and discussed in the first part of this report and is consistent with the manner in which Richmond has regulated election and political signage for many years. This approach is also largely consistent with the approach taken by many of Richmond's neighbouring municipalities such as Vancouver, Burnaby, Delta, and West Vancouver. The basic approach of this option is as follows:

- signage is permitted on all private property without a permit from the official beginning of an election period (exact timing varies depending on the type of election) until seven days after the election;
- signage is <u>not</u> permitted on municipal property, buildings or structures. The exception in Richmond is that signage is permitted on municipal boulevards in front of residential properties with the permission of the owner of the property. This exception makes many kilometres of municipal property available for the placement of political signage; and
- provisions are made to prevent the placement of signage in a manner that could be hazardous or unsightly.

Option 2 - Also Allowing Political Signage on Designated Municipal Properties

Another option would be to take all the provisions of the proposed bylaw (as recommended in Option 1) and include the ability to place political signage on specific and limited tracts or parcels of municipal land, for example, around the perimeter of the Garden City Lands or along

the Railway Ave right of way. The City of Coquitlam takes a similar approach by designating eight specific locations at various intersections where political signs are permitted on the municipal right of way. (It should be noted, however, that Coquitlam's bylaw is more restrictive than Richmond's in other ways in that Coquitlam's bylaw does not have a residential boulevard exemption and only provides for a 10-day period during which municipal election signs may be erected before election day). If Richmond were to also include provisions to establish specific election sign "zones," this would extend Council's current policy with regard to political signage.

If Council is favourable to exploring this option, a referral back to staff would be appropriate to allow for further investigation of potential political signage zones and to re-draft the proposed bylaw accordingly.

Option 3 - Permitting Political Signage on All Municipal Property

This option would see no restrictions on the use of municipal property for the placement of political signage, except where the placement would present a hazard to pedestrians, cyclists or general traffic. Political signage would potentially be permitted along roads, trails, or dykes, and could be placed in parks and public spaces, and around community centres and municipal buildings, including City Hall. Municipal boulevards in front of residential properties would also be available for the placement of political signage, although it would be without the permission of the owner of the property adjacent to the boulevard if boulevards were made equally available to all.

While this option would represent a virtually unrestricted approach to using municipal property, it is quite possible that the proliferation of signage on public property in unexpected locations, such as in parks and around public buildings, would result in public consternation and complaints. It is also possible that signage could be placed in a manner that could interfere with or be perceived as incompatible with the intended use of the public property.

If Council is favourable to exploring this option, which would have additional costs, a referral back to staff would be appropriate to allow for further investigation and to re-draft the proposed bylaw accordingly.

Timing of Bylaw Adoption

Under s.39 of the *Local Government Act*, any bylaw relating to a local general election, including a sign bylaw, must be adopted 8 weeks before the beginning of the nomination period in order to apply to that election. Therefore, the proposed bylaw or any other option that may be brought forward at Council's direction must be adopted by August 8, 2011 in order to apply to the 2011 local government election. (With Council's summer meeting break, the last scheduled meeting at which such a bylaw could be adopted would be July 25, 2011)

In addition, because the time period during which HST Referendum-related signage would be permitted under the current and proposed bylaw is already underway, it would be appropriate to set an effective date for any changes in the regulations until at least seven days after the

referendum vote is completed on July 22, 2011 so as to avoid a change in sign regulation midcampaign. For this reason, the proposed bylaw has an effective date of July 31, 2011.

Financial Impact

None.

Conclusion

Staff recommend the adoption of the proposed bylaws (Option 1), which are largely an updated and modernized expression of Council's long-standing regulation and policy on the placement of political signage. While the other options outlined in the report may be less restrictive, they also have greater potential to cause a proliferation of signs, create hazards and clash with general public expectations regarding the use of public property.

With the adoption of a modernized and updated bylaw governing election and political signs, confusion and inconsistency regarding signage during election periods should be greatly reduced.

David Weber

Director, City Clerk's Office

(604-276-4098)

Attachments and enclosures:

- 1) Council Policy No. 9304 "Signs-Political" To be rescinded
- 2) Election and Political Signs Bylaw No. 8713

Zaril Wills

- 3) The Corporation of the Township of Richmond Sign Bylaw No. 5560, Amendment Bylaw No. 8717
- 4) Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8718



City of Richmond

Policy Manual

Page 1 of 1

Adopted by Council: Oct. 12/93

POLICY 9304

File Ref: 8125-00

SIGNS - POLITICAL

POLICY 9304:

Notwithstanding the provisions of Sign Bylaw 5560, it is Council policy that:

Staff allow election signs on public property when the signs are clearly associated with the residences of that property, on the understanding that the property owners in question have the right to remove any sign which they do not want placed in front of their home.

To be rescinded

(Law Department)

Bylaw 8713

Election and Political Signs Bylaw No. 8713

The Council of the City of Richmond enacts as follows:

PART ONE: PLACEMENT & LIMITS ON POLITICAL SIGNS

- 1.1 Political Signs Duration & Size / Height Limits
 - 1.1.1 A **person** shall not **place**, or permit to be **placed**, a **political sign** on public or private property, except:
 - in relation to federal elections and by-elections, from the time the writ of election is issued until seven days after **general voting day**;
 - (b) in relation to provincial elections and by-elections, from the time the writ of election is issued until seven days after **general voting day**;
 - in relation to local government and school elections and by-elections, from the first day of the nomination period until seven days after **general voting day**;
 - (d) in relation to federal or provincial referenda or plebiscites, from the day that the text of the question is approved by the federal Parliament or by the provincial Legislature, as the case may be, until seven days after general voting day;
 - (e) in relation to local government referenda or plebiscites, from the day that the text of the question is approved by **Council** or a regional board by bylaw or by resolution, as the case may be, until seven days after **general voting day**; and
 - (f) in relation to provincial recall or initiative campaigns, from the day that an application for recall or initiative is approved by the Chief Electoral Officer for BC until seven days after the final disposition of the matter.
 - 1.1.2 A **person** shall not **place**, or permit to be **placed**, on public or private property a **political sign**:
 - (a) with a **sign face** exceeding three sq. metres (3) m² in area; nor
 - (b) that exceeds three (3) metres in height, as measured from the grade of the site on which the **political sign** is **placed** to the top of the **political sign** or its supporting structure, whichever is greater.

1.2 Political Signs - Placement on City Property

- 1.2.1 A person must not place, or permit to be placed, a political sign on:
 - (a) a City highway or right of way;
 - (b) a boulevard, centre median or sidewalk, or in a park;
 - (c) any roadway structure or traffic control device;
 - (d) a tree, planter, waste receptacle, newspaper box or mail box located on City-owned land; or
 - (e) any other **City**-owned property, including land, **buildings**, **structures**, and equipment.
- 1.2.2 As an exception to subsection 1.2.1(b), **political signs** with a **sign face** no larger than 0.6m² may be erected on a **boulevard** immediately in front of a parcel used solely for residential purposes with the consent of the property owner, or the strata corporation in the case of a parcel containing strata lots.

1.3 Political Signs – Hazardous Placement

- 1.3.1 A **person** must not **place**, or permit to be **placed**, on public or private property, a **political sign**:
 - (a) that overhangs City-owned property;
 - (b) within one metre of a fire hydrant;
 - (c) that obstructs, simulates or detracts from any traffic control device;
 - (d) that is unsightly or dilapidated;
 - in a manner that may constitute a hazard to pedestrians, cyclists or vehicles; or
 - that obstructs the line of vision at an intersection between the height of 0.9 metres (2.95 feet) and 3.0 metres (9.84 feet), as measured from the top of any curb fronting a parcel, or if there is no such curb, as measured from the crown of the roadway, in that area bounded by the property lines adjoining the streets and a line drawn to connect the property lines at a distance of 7.5 metres (24.61 feet) from their point of intersection (as generally shown on the diagram set-out in Schedule A attached to and forming part of this bylaw).

PART TWO: ENFORCEMENT

- 2.1 A bylaw enforcement officer may remove, and the Chief Election Officer may order the removal of, any political sign that is placed, or permitted to be placed, in contravention of any provision of this bylaw.
- **2.2** Political signs removed pursuant to section 2.1 will be stored at a City facility and may be claimed by a candidate or candidate representative, or a person authorized by a candidate or candidate representative.
- 2.3 Political signs removed pursuant to section 2.1 and not claimed within seven (7) days after the period set-out in subsection 1.1.1 of this bylaw become the property of the City and may be destroyed or otherwise disposed of by the City without notice to any person.

PART THREE: OFFENCE AND PENALTIES

- 3.1 A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*.
- 3.2 A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60.*
- 3.3 A person who:
 - (a) contravenes, violates or fails to comply with any provision of this bylaw;
 - (b) suffers or allows any act or thing to be done in contravention or violation of this bylaw; or
 - (c) fails or neglects to do anything required to be done under this bylaw,

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to fine of not more than Ten Thousand Dollars (\$10,000.00), and each day such infraction is caused, or allowed to continue, constitutes a separate offence.

PART FOUR: INTERPRETATION

4.1 In this bylaw, unless the context requires otherwise:

BOULEVARD

means:

 (a) where there is no curb and gutter, the area between the **shoulder** of the road and the adjacent property line;

- (b) where there is curb and gutter, the area from the back of the curb to the adjacent property line; and
- (c) where there is curb and gutter and a sidewalk, the area from the back of the sidewalk to the adjacent property line.

BUILDING

means a temporary or permanent **structure** having a roof supported by columns or walls, for the shelter or enclosure of persons, animals, materials, chattels or equipment.

BYLAW ENFORCEMENT OFFICER

means an employee of the City, appointed by Council to enforce City bylaws.

CANDIDATE

means a person who is a candidate for election pursuant to the *Local Government Act*, the *School Act* (BC), the *Election Act* (BC), or the *Canada Elections Act*; or a person represented as a candidate on a **political sign**.

CANDIDATE REPRESENTATIVE

means a person who is appointed by a **candidate** as a candidate representative for the purposes of the *Local Government Act*, the *Election Act* (BC), or the *Canada Elections Act*.

CENTRE MEDIAN

means an area designated for the segregation of lanes of traffic on a roadway, designated either by lines or by landscaping.

CHIEF ELECTION OFFICER

means the person appointed by **Council** as the chief election officer pursuant to the *Local Government Act*, or the deputy chief election officer in the absence of the chief election officer.

CITY

means the City of Richmond.

COUNCIL

means the Council of the City.

GENERAL VOTING DAY

means "polling day" under the Canada Elections Act, or "general voting day" under the Local Government Act, School Act (BC) or Election Act (BC), whichever is applicable.

HIGHWAY

includes street, road, lane, road allowance, bridge, and viaduct, but does not include a private right-of-way on private property.

PARK

means **City-owned** land or right of way used for passive or active recreation including open space, sports fields, pitch-and-putt golf courses, playgrounds, walkways, trails, nature reserves, natural areas, wildlife sanctuaries, greenbelts, conservation areas, buffers, nature interpretation areas and similar land uses.

PERSON

includes a property owner, strata corporation, candidate, candidate representative, political organization, or any other person under the direction of such an individual or organization.

PLACE

means place, erect, affix or attach.

POLITICAL ORGANIZATION

includes:

- (a) an "elector organization" within the meaning established in the *Local Government Act*;
- (b) a "campaign organizer" within the meaning established in the Local Government Act;
- (c) a "political party" within the meaning established in the Election Act (BC) or Canada Elections Act;
- (d) any incorporated or unincorporated organization which promotes or opposes the election of a **candidate**:
- (e) any incorporated or unincorporated organization which approves or disapproves of a course of action advocated by a candidate or another political organization;
- (f) any incorporated or unincorporated organization which promotes or opposes an issue that is the subject of a referendum or plebiscite; and
- (g) any incorporated or unincorporated organization which promotes or opposes a recall or initiative campaign.

POLITICAL SIGN

means a temporary display **structure** bearing lettering, symbols or pictures used to:

- (a) promote or oppose the election of a candidate;
- (b) approve or disapprove of a course of action advocated by a **candidate**;
- (c) promote or oppose a **political organization** or its program;
- (d) approve or disapprove of a course of action advocated by a political organization;
- (e) promote or oppose an issue that is the subject of a referendum or plebiscite; or
- (f) promote or oppose a recall or initiative campaign.

ROADWAY STRUCTURE

means a bridge, overpass, guardrail, retaining wall, fence, concrete barrier, fire hydrant, street light pole, utility pole and crosswalk pole.

SHOULDER

means where there is no curb and gutter, the area between the edge of the road and a line two metres, fifty centimetres (2.5 m.) parallel to the edge of the road.

SIGN FACE

means the display area of a **political sign** on which lettering, symbols or pictures appear.

STRUCTURE

means a construction of any kind whether fixed to or supported by or sunk into land or water.

TRAFFIC CONTROL DEVICE

means a sign, line, meter, marking, space, barrier, or device that is painted, placed or erected to guide, regulate warn, direct, restrict, control or prohibit traffic.

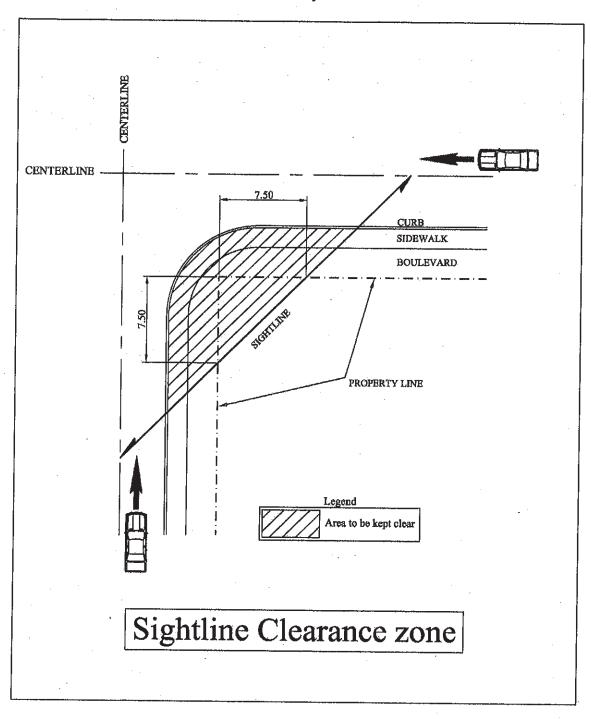
PART FIVE: SEVERABILITY AND CITATION

- 5.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 5.2 This bylaw comes into force and effect on July 31, 2011.

5.3 This bylaw is cited as "Election and Political Signs Bylaw No. 8713".

MAYOR	CORPORATE OFFICER	
ADOPTED		APPROVED for legality by Solicitor
THIRD READING		dept.
SECOND READING		APPROVED for content by originating
FIRST READING		CITY OF RICHMOND

Schedule A to Bylaw No. 8713





Bylaw 8717

The Corporation of the Township of Richmond Sign Bylaw No. 5560, Amendment Bylaw No. 8717

The Council of the City of Richmond enacts as follows:

- 1. The Corporation of the Township of Richmond Sign Bylaw No. 5560, as amended, is further amended by deleting section 9(n) in its entirety.
- 2. This bylaw comes into force and effect on July 31, 2011.
- This Bylaw is cited as "The Corporation Of The Township Of Richmond Sign Bylaw No. 5560, Amendment Bylaw No. 8717".

FIRST READING	CITY OF RICHMOND
SECOND READING	APPROVED for content by originating
THIRD READING	dept,
ADOPTED	APPROVED for legality by Solicitor
MAYOR	CORPORATE OFFICER



Bylaw 8718

Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8718

The Council of the City of Richmond enacts as follows:

- 1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One Application by deleting the comma at the end of section 1.1(g) and replacing it with a semi-colon.
- 2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One Application by adding the following after section 1.1(g):
 - "(h) Election and Political Signs Bylaw No. 8713;"
- 3. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
- This bylaw comes into force and effect on July 31, 2011.
- 5 This Bylaw is cited as "Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8718".

FIRST READING		CITY OF RICHMOND
SECOND READING		APPROVED for content by originating Division
THIRD READING	·	In
ADOPTED		APPROVED for legality by Solicitor
MAYOR	CORPORATE OFFICER	

SCHEDULE A to BYLAW NO. 8718

SCHEDULE A to BYLAW NO. 8122

Designated Bylaw Contraventions and Corresponding Penalties

	A8	Compliance Agreement Discount	n/a	n/a				
	A7	Late Payment Amount	61 days or more	\$ 100.00		-		
	A6	Early Payment Option	1 to 28 days	\$ 50.00				
	A5	Penalty	29 to 60 days	\$ 75.00				
	A4	Compliance Agreement Available	n/a	No				
!	A3	Section		1.1.1(a)	1.1.1(b)	1.1.1(c)	1.1.1(d)	1.1.1(e)
**	A2	Description of Contravention	Period of Time from Receipt (inclusive)	Placing, or permitting to be placed, a political sign outside the permitted time period – federal elections and by-elections	Placing, or permitting to be placed, a political sign outside the permitted time period – provincial elections and byelections	Placing, or permitting to be placed, a political sign outside the permitted time period – local government and school elections and by-elections	Placing, or permitting to be placed, a political sign outside the permitted time period – federal and provincial referenda or plebiscites	Placing, or permitting to be placed, a political sign outside the permitted time period – local government referenda and plebiscites
Δ1	.	Bylaw		Election and Political Signs Bylaw No. 8713 (2011)				

						· · · · · · · · · · · · · · · · · · ·			·
A8	Compliance Agreement Discount		n/a		n/a				٠.
A7	Late Payment Amount		\$ 100.00		\$ 100.00	•			
A6	Early Payment Option		\$ 50.00		\$ 50.00				
A5	Penalty		\$ 75.00		\$ 75.00				
A4	Compliance Agreement Available		O.		NO No				
A3	Section	1.1.1(f)	1.1.2(a)	1.1.2(b)	1.2.1(a)	1.2.1(b)	1.2.1(c)	1.2.1(d)	1.2.1(e)
A2	Description of Contravention	Placing, or permitting to be placed, a political sign outside the permitted time period – provincial recall or initiative campaigns	Placing, or permitting to be placed, a political sign that exceeds three (3) m ² in area	Placing, or permitting to be placed, a political sign that exceeds three (3) metres in height	Placing, or permitting to be placed, a political sign on a City highway or right of way	Placing, or permitting to be placed, a political sign on a boulevard, centre median or sidewalk, or in a park	Placing, or permitting to be placed, a political sign on a roadway structure or traffic control device	Placing, or permitting to be placed, a political sign on a tree, planter, waste receptacle, newspaper box, or mail box located on City-owned land	Placing or permitting to be placed, a political sign on City-owned property
A	Bylaw		Election and Political Signs Bylaw No. 8713 (2011)		Election and Political Signs Bylaw No. 8713 (2011)				

SCHEDULE A to BYLAW NO. 8718

A1	A2	A3	A	A5	A6	A7	A8
Bylaw	Description of Contravention	Section	Compliance Agreement Available	Penalty	Early Payment Option	Late Payment Amount	Compliance Agreement Discount
Election and Political Signs Bylaw No. 8713 (2011)	Placing, or permitting to be placed, a political sign in a hazardous manner – overhanging City-owned property	1.3.1(a)	o N	\$ 100.00	\$ 75.00	\$ 150.00	n/a
	Placing, or permitting to be placed, a political sign in a hazardous manner — within one metre of a fire hydrant	1.3.1(b)					
	Placing, or permitting to be placed, a political sign in a hazardous manner – obstructing, simulating, or detracting from any traffic control device	1.3.1(c)					
	Placing, or permitting to be placed, a political sign in a hazardous manner – unsightly or dilapidated sign	1.3.1(d)					
	Placing, or permitting to be placed, a political sign in a hazardous manner – constituting a hazard to pedestrians, cyclists or vehicles	1.3.1(e)					
	Placing, or permitting to be placed, a political sign in a hazardous manner – obstructing the line of vision at an intersection	1.3.1(f)					