

Report to Committee

To:

General Purposes Committee

Date: .

January 5, 2023

From:

Malcolm D. Brodie

File:

01-0005-01/2022-Vol

Mayor

Re:

Election and Political Signs Bylaw No. 8713 Proposed Amendments

Recommendation that:

 Council endorse the recommendations for amendments to the Election and Political Sign Bylaw No. 8713 as outlined in the report titled "Election and Political Signs Bylaw No. 8713 Proposed Amendments", dated January 5, 2023, from the Mayor, City of Richmond.

2. Staff be directed to draft changes to the said bylaw consistent with those amendments.

Malcolm D. Brodie

Mayor

Att. 3

Report

Origin

This report outlines concerns related to the proliferation of election and political signs during the 2022 Richmond Local Government and School Election and provides options for Council's consideration to amend the Election and Political Signs Bylaw No. 8713 (Election Sign Bylaw), included as **Attachment 1**, to manage the placement of these signs.

This report supports Council's Strategic Plan 2018-2022 Strategy #1 A Safe and Resilient City:

Enhance and protect the safety and well-being of Richmond.

1.4 Foster a safe, caring and resilient environment.

This report supports Council's Strategic Plan 2018-2022 Strategy #2 A Sustainable and Environmentally Conscious City:

Environmentally conscious decision-making that demonstrates leadership in implementing innovative, sustainable practices and supports the City's unique biodiversity and island ecology.

2.2 Policies and practices support Richmond's sustainability goals.

This report supports Council's Strategic Plan 2018-2022 Strategy #8 An Engaged and Informed Community:

Ensure that the citizenry of Richmond is well-informed and engaged about City business and decision-making.

- 8.1 Increased opportunities for public engagement.
- 8.2 Ensure citizens are well-informed with timely, accurate and easily accessible communication using a variety of methods and tools.

Analysis

Background

Under BC's Local Government Act and Election Act, the placement of election and political signs is permitted and the authority to regulate these signs is granted to local governments within their jurisdictional boundaries.

Adopted in 2011, Richmond's Election Sign Bylaw (Attachment 1) establishes regulations and requirements for placement and limits, management and enforcement, as well as the removal of election and political signs in the city. The bylaw applies to election and political signs for all elections (municipal, provincial and federal), referenda, and plebiscites. It was amended in 2018 to ensure alignment with the general prohibitions in the Sign Regulation Bylaw No. 9700 adopted in 2017.

The Election Sign Bylaw includes the following key regulations:

- Signs are not allowed on City/Public property with the exception of placement on boulevards in front of residential property with the owner's consent;
- The identified periods of time that signs may be placed and when they must be removed;
- Types of signs that are not permitted;
- The maximum permitted size of signs;
- Restrictions for sign placement, including hazardous placements;
- Prohibition on the placement of signs on "a vehicle that is parked or stored primarily for the purpose of displaying the political sign;" and
- Enforcement, penalties, removal and storage of signs.

Analysis

During the recent election, there were an unprecedented number of issues that were observed or raised relating to election and political signs placed throughout the city. It is noted that the high volume of signs did not lead to increased voter participation for the election as turnout was reported to be very low.

Random examples of sign placement are shown in the pictures included as **Attachment 2**. The issues include:

Visual Pollution and Safety Hazards

The volume of signs placed throughout the city and the number of signs placed in one area became unsightly. Sometimes multiple signs in an area promoted the same candidate or group. The abundance of signs, particularly those placed along or near roadways, presented a visual distraction for road users. Signs were sometimes placed in a manner that blocked sightlines for road users while they obstructed or detracted from regulatory signs and traffic control devices. Signs were also attached onto a vehicle and parked in a prominent spot.

Material Waste

The materials used for signs and the single-use nature of election signs are inconsistent with Richmond's commitment to sustainable practices. Although election signs may be reused, the common practice is for signs to be used for a short duration and then discarded. Further, depending on the materials used, signs may not be recyclable.

Candidate Equity

The uncontrolled proliferation of election and political signs favors candidates with more financial resources and does not promote equity among potential candidates seeking office. Election sign expenses may create an unfair burden and barrier for potential candidates wishing to participate in local elections.

Contraventions

Many signs were placed on City or Ministry of Transportation property in contravention of the Election Sign Bylaw. Other examples include signs placed in trees, on City structures, and in boulevards in front of parcels not used solely for residential purposes.

Enforcement and Financial Implications

The management and enforcement of election signs is time-consuming and places a burden on City resources at the expense of taxpayers. This year, during the permitted advertising period from August 30 to October 22, 2022, a total of 20 formal complaints were received and investigated and a number of informal complaints were addressed. Enforcement of the Election Sign Bylaw is challenging when it is contravened by existing elected officials and/or signs are placed on boulevards where home-owner consent is not given or is difficult to confirm. Signs are often also placed on multiple sides of a corner lot.

Municipal Scan

In response to the concerns identified regarding election and political signs, a review of eight municipal bylaws and policies within the lower mainland was conducted to determine alternative approaches to restrict the placement of election signs.

Summaries of those scans are attached as Attachment 3. In contrast to Richmond's Election Sign Bylaw, the following can be noted: four of the municipalities prohibit signs to be placed on public property; four permit placement on public property with limitations designating specific locations; and one is in the process of amending their bylaw to restrict signs on public property. In addition, several of these municipalities have implemented additional specific requirements to manage the placement of election and political signs. Alternate approaches include:

- 1. Signs cannot be attached to or placed on any City property;
- 2. A limit of one sign per candidate/group is permitted per location;
- 3. Specific locations are designated where signs are permitted on public property;
- 4. Written proof of consent for uninhabited properties is required; and
- 5. Signs are not permitted on any vehicles or trailers.

Recommendations

While some would like to eliminate the use of election signs altogether, in order to address the issues noted above and to ease enforcement of the bylaw, the following amendments are recommended:

- 1. The boulevard exception to allow the placement of signs on City property as set out in section 1.2.2 be eliminated. This will effectively prohibit placement of signs on all city property;
- 2. Written consent of owner be required where a sign is placed on private property including a property that does not contain an inhabited building. Such consent is to be given in writing on a form prescribed by the City and produced on request;
- 3. Prohibit signs attached to a tree, planter, or shrub on private property;
- 4. A limitation of one sign per candidate or group placed on a single parcel; and
- 5. Prohibit on public property the parking or storage of a private vehicle that displays an election sign.

In addition, direction should be given to bylaw officers during election campaigns to proactively monitor and enforce the sign bylaw regardless whether complaints have been made.

Financial Impact

None

Conclusion

This report provides options and recommendations for amendments to the Election Sign Bylaw in order to manage the proliferation and placement of election signs throughout the City. These amendments should decrease the distractions caused by the signs, improve the administration of sign complaints, reduce the environmental impact of election signs, foster equity amongst candidates, and enhance the visual appeal of the community.

Malcolm D. Brodie

Mayor/

- Att. 1: City of Richmond Election and Political Sign Bylaw No. 8713
 - 2: Images of Sign Proliferation in the 2022 Richmond Local Government and School Election
 - 3: Election Sign Bylaw Municipal Scan

Attachment 1

City of Richmond Election and Political Sign Bylaw No. 8713





ELECTION AND POLITICAL SIGNS

BYLAW NO. 8713

EFFECTIVE DATE - JULY 31, 2011

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW	DATE OF ADOPTION	EFFECTIVE DATE
Bylaw No. 9718	October 23, 2017	(If different from Date of Adoption)
Bylaw No. 9887	June 25, 2018	



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;
 - 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;
 - (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;
 - (c) that is a container sign, being a political sign of any type displayed on a shipping container that is placed primarily for the purpose of displaying the political sign;
 - (d) that is a flashing sign, being a political sign, other than a changeable copy sign, that incorporates an intermittent or flashing light source or effect whether actual or simulated;

- that is an inflatable sign, being a gas-supported three dimensional device anchored or attached to land or a building, that displays a political sign or attracts attention to the property;
- (f) that is a roof sign, being a political sign erected on the parapet or roof of a building, or attached to the wall of a building and extending above the roof line; or
- (g) that is a vehicle sign, being a political sign of any type displayed on a vehicle, including any truck trailer, that is parked or stored primarily for the purpose of displaying the political sign.

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
 - (f) 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;
 - 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 to the job position or title of bylaw enforcement officer or licence inspector, or acting in another capacity, on behalf of the City for the purpose of the enforcement of one or more of the 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.

CHANGEABLE COPY SIGN

means changeable copy sign as defined in the City's Sign Regulation Bylaw No. 9700.

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-ofway 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,

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PERSON

PLACE

POLITICAL ORGANIZATION

natural areas, wildlife sanctuaries, greenbelts, conservation areas, buffers, nature interpretation areas and similar land uses.

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

means place, erect, affix or attach.

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 GP 76 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.

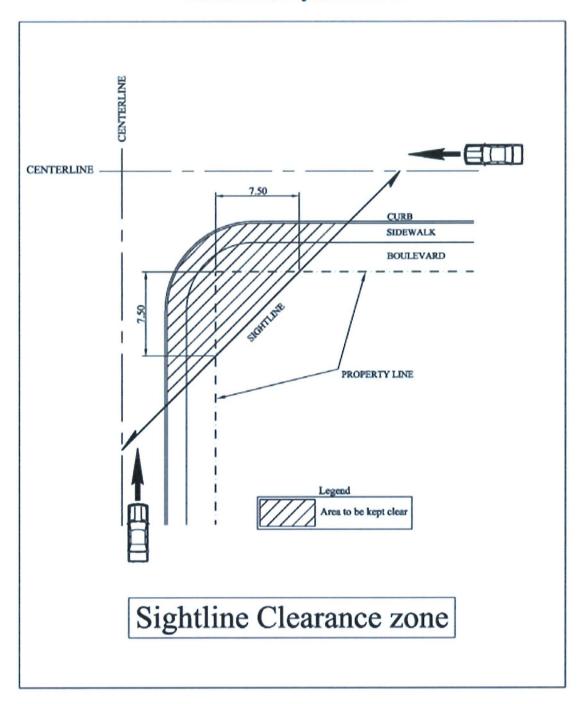
TRAFFIC CONTROL DEVICE

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".

Schedule A to Bylaw No. 8713



Attachment 2
Images of Sign Proliferation in the 2022 Richmond Local Government and School Election









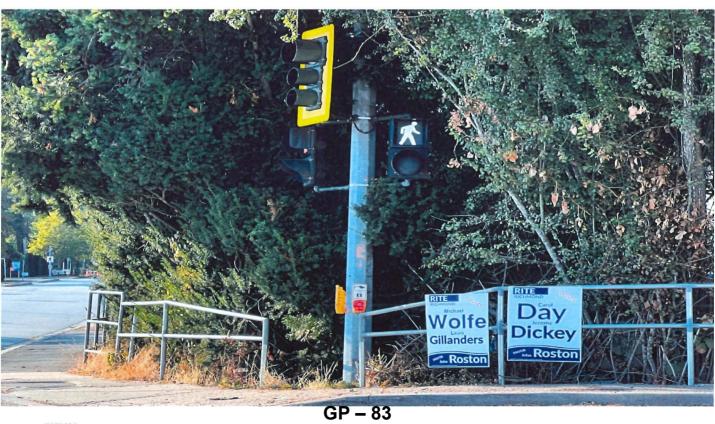














Election Sign Bylaw Municipal Scan

	ELECT	ION SIGNAGE I	BYLAWS – REVI	EW OF OTHER M	IUNICIPALITIES	
City	Definition(s)	Signage Size	Private Property	Public Property	Other Restrictions	Display Time
Delta	Political Sign means a temporary sign containing name and message related to an election or referendum.	 Are non-illuminated, do not exceed two sign faces, 3m2 sign area on each sign face, 3.0 m in height Are no closer than 0.3 m in any direction to any other sign 	YES WITH CONSENT Placed on private property with consent of owner or occupant of the property	YES WITH LIMITS Are placed on public property only at permitted locations and the number of signs at each permitted location be limited to one sign per individual candidate, and one multiple candidate sign Bylaw lists North Delta, Ladner and Tsawwassen public property permitted locations	Are not placed on medians, traffic circles, street boulevards (including those adjoining municipal parks, recreation facilities or other civic buildings)	Displayed no more than 30 days before the date of election and 7 days after the conclusion o an election
Surrey	Political sign means a sign erected to promote the voting at, support or opposition of an issue in a municipal, provincial or federal election, referendum, plebiscite, initiative petition or recall petition.	Sign area does not exceed 3 sq. m (32 sq.ft.)	YES WITH CONSENT Political signs may be erected on private property without a permit, subject to the sign not exceeding 3 sq. metres, does not impeded sightlines, the owner of proper consents to the placement of sign	NO Political signs may not be erected on public property	 Sign does not restrict sightlines of vehicle drivers, bicycle riders and pedestrians in the vicinity of the sign No political signs are permitted anywhere within the City's road rights-of-way, including medians sidewalks, boulevards, or any City property including City parks, all City facilities or City-owned lots 	From the first day of nomination period (45 days prior to election until 14 days after the election

Burnaby	Handheld	Sign area does not	YES WITH	NO	 Hand-held election 	No election signs
Buillaby	Election sign means an election temporary sign physically held by a candidate or supporter of a candidate election. Election Temporary sign means a sign promoting or opposing, directly or indirectly a candidate in an election or a party or organization that endorses a candidate in an election.	exceed 3 sq. m (32 sq.ft.)	CONSENT No person shall erect, place or maintain a sign on private property without the consent of the owner or occupier of the property For sign placed on a property that does not contain any inhabited buildings, such consent must be in writing and produced to the City promptly upon request.	No election signs shall be erected on any public property	signs permitted on a City sidewalk provided that signs are held by hand and not placed on the ground or structure on the sidewalk Individuals holding the signs must not obstruct ramps, street crossings, crosswalks and other portions of a sidewalk providing access for pedestrians, bicycles etc.	can be erected at any time other than during the campaign period (28 days prior to election) and the four days that immediately follow the campaign period
Vancouver	Election sign is a sign that advertises a candidate or political party participating in a municipal, provincial or federal election	Election sign has a sign area no greater than 3.0 m2 Election signs may be placed in windows (30% of window) or on freestanding signs (3 m2)	YES WITH CONSENT Election/political signs are allowed on private property. A sign that is less than 3.0m2 and free standing does not require a permit. A sign that is located in a window and covering a maximum of 30% of the glass surface does not require a permit.	YES WITH LIMITS On City property, Election/political signage is only tolerated between the backs of sidewalks and the adjoining private property and on poster cylinders	Election/political signage is not allowed on City property including, but not limited to: the area between the sidewalk and the street; boulevards or street centre medians (including on Boundary Road); poles; structures such as utility or post boxes; and, sidewalks and roadways	Election sign can be erected no earlier than 45 days before general voting day and needs to be removed within 48 hours after the close of voting
New West.	Election sign means any sign installed to support the election of a candidate or political part at a municipal, provincial or federal level or public authority office, or providing information related to an election, political initiative, or referendum.	Election signs may have up to two sides, an each side may not exceed 0.61m by 0.61 m	YES WITH CONSENT On private property, there must be full consent of the owner of property, signs must be located on the property owner's side of the sidewalk (not on city boulevards), placed in such a manner that visibility of traffic control devices and sight lines to pedestrians and vehicles is not impaired	NO Election signs not permitted on City property, including: parks, fields, facility buildings, medians, traffic dividers or centre boulevards, utility poles, public sidewalks, lanes or roads	Election signs must not be placed on Hwy 91A or any of the approaches to the Queensborough Bridge	Election signs may not be installed until after the confirmation of the list of candidates (29 days prior to election)

Coquitlam	Election sign means a sign promoting a political candidate, party or cause in relation to a federal, provincial, municipal or school trustee election or question put to the electorate.	Sign has only two sides, or faces, and each side or face of the sign area does not exceed 0.61 metres (2ft by 2ft); cannot be placed within 1 metre of fire hydrant	YES WITH CONSENT Placement of election signs is permitted on private property with the consent of the owner/occupant.	YES WITH LIMITS Election signs are not permitted anywhere on public property, save for the locations identified in Bylaw schedule	 Election signs cannot exceed 2 metres in height, as measured from the grade on the site which the sign is placed to top of the sign or its supporting structure Not permitted on any vehicles/trailers The number of election signs per candidate, per location, both public and private, is restricted to one. 	Election signs are not erected more than 21 days prior to the election and are removed within 4 days after the election
Township of Langley	Election or Political sign is a temporary sign designed or intended to be displayed in connection with Federal, Provincial, Local Government or School District elections	Each sign face must not be larger than 3 square metres and must have no more than two sign faces Election signs must not use the Township or School District logo	YES WITH CONSENT Election signs may be erected on private property in all zones with the consent of the property owner or occupant	YES WITH LIMITS No election signs shall be placed within or any property owned, leased or operated by the Township that is not a highway. Election signs are allowed on Township boulevards as specified in bylaw (Note: currently Council is considering prohibiting elections signs on public property)	Election signs not permitted on centre medians, traffic islands, traffic circles or roundabouts Election signs cannot be attached to any Township property	Election signs are not erected more than 21 days prior to the election and are removed within 4 days after the election
City of Langley	Political sign means a sign that pertains only to an election by the voters in the City of Langley for City Council, School Board of School District, Provincial and Federal Government	Political signs are no larger than .91 metres (4 feet by 4 feet) and if attached to the ground, will not extend more than 3 meters (9.84 feet) above ground	Political signs are placed on private property with the consent of the owner or occupier.	NO Political signs are not placed on public property.	Political signs do not obstruct or otherwise interfere with sigh lines or movement of motor vehicles, pedestrians, cyclists or any other, or obstruct the visibility of regulatory sign or other traffic control devices.	Election signs may not be installed until after the end of the nomination period (36 days prior to election) and must be removed within 7 days after the election