

As mentioned in our earlier informational report the Planning Department does not collect a fee for the processing of sign applications. However, the Building Department levies fees based on an electrical permit fee of \$7.50 per sign connection and a building permit fee determined by the value of the proposed sign. The Chief Building Inspector reports that the costs incurred involve the actual processing of the application and a follow up field inspection. In most cases, no problems are encountered, and the fees which are levied cover these administrative costs. In a few instances, however, where the by-law requirements are not properly met, or signs are erected illegally, then administrative costs can exceed the funds received from the fees which are levied.

B. LETTER FROM KODIAK SIGNS LIMITED

Appearing on the October 4th Council agenda was a letter, dated September 22, 1976, addressed to the Mayor and Council from Mr. Raymond J. Beaton, President of Kodiak Signs Limited.

Reference is made in the letter to a decision of the U. S. Court which suggests that advertising, however tasteless and excessive it may be, should be relatively unrestricted since it is a natural part of the free enterprise system and that the free flow of economic information is indispensable.

In commenting on this philosophy, it is agreed that outdoor advertising plays an established part in our economy and has become an accepted media of communication. We do not believe, however, that advertising has to be tasteless or excessive in order to achieve its goals. Signs can be attractive, well designed, and related to the site or building on which they are located and still perform their intended functions.

Apart from the frequent unsightliness of unregulated, over-sized and garish signs, where each must try to outdo the others in order to be effective, the benefits to the advertiser are diminished and furthermore, indispensable signs such as traffic signs erected for public safety may be obscured. Therefore, it is in the interests of both the individual advertiser and the general public that reasonable controls be placed on the number, type, size and location of signs in different land use zones.

C. SIGN MANUFACTURERS COMMENTS ON THE SIGN BY-LAW

A summary of the comments and main points raised in the sign manufacturers' brief follows, together with the remarks of the Planning Department.

<u>COMMENTS</u>	<u>REMARKS</u>
1) " Following this all encompassing definition (Sign) are nineteen sub titles each proclaiming the type of sign i. e. roof sign, fascia sign, temporary sign, etc. ; which are included in these by-laws."	Because of the multiplicity of sign types it is necessary that they be differentiated on the basis of function, structure, location and degree of illumination. Accurate definitions to avoid ambiguity and uncertainty are an essential part of any by-law.
2) "We wish to point out that whereas the foregoing definitions are thus simplified there exists a number	Before deciding on the size of temporary signs studies were carried out of the actual sign

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of specific rules which in themselves are arbitrary, vague and downright ridiculous. An example of an arbitrary ruling is contained in Schedule 1(11) which states: Temporary on-site signs advertising the sale, lease or rental of the lot or premises shall not exceed the ratio of one square foot of sign area for each one thousand square feet of lot area but need not be less than six square feet nor exceed thirty-five square feet fronting each street."

sizes used by responsible realtors and developers who are interested not only in advertising their product but also in ensuring the least disturbance to the general appearance of the community and preventing hazardous situations from arising (i. e. the obscuring of a clear view of an intersection or traffic control signals).

- 3) "It would be interesting to count the hundreds of signs in this municipality which do not comply with these specifications and which have been erected since the passing of each by-law."

Illegal signs erected without the benefit of a permit may well not comply with the by-law. However, when such signs are drawn to the attention of municipal departments, the responsible party is asked to remove the sign and if appropriate apply for a permit. We normally receive good cooperation and a request is sufficient. In the event that the illegal sign is not removed then the building department follows normal enforcement procedures as spelled out in the by-law.

Again, responsible agencies and sign companies are familiar with the by-law and create no problems of the type mentioned.

- 4) "Schedule 1(13) limiting the area of on-site signs governing construction or demolition projects is decisive, if arbitrary but the time element for the use of same is certainly vague. i. e. high rise signs contravening this by-law and in use for a year or more".

Clause (13) of Schedule 1 specifically states that "the display of such signs shall be limited to a period not to exceed the duration of the said construction or demolition project, at which time such signs shall be removed".

- 5) The quoting of the requirements for a sign permit in the brief is followed by: "Therefore, I submit, that to stay within the law a merchant wishing to cover his window for a special sale would have to submit to the Building Department of Burnaby a photograph of his store, a scale drawing of the signs he wished

No permit is required for window signs not exceeding 20 percent of the window area. This also applies to many of the temporary and special purpose signs listed in Schedule 1 of the by-law, including "for sale" signs. This has, however, been a matter of policy inasmuch as these signs are permitted in all sign districts. It

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to display, combined with the weight of the paper and the maker's name: As an example of what we consider useless and ludicrous restrictions is that before ordering any sign even a For Sale sign the customer must pay for - not only the sign itself but the cost of the producer to make a scale drawing of said sign".

would therefore be desirable to specifically indicate in the by-law those signs within Schedule 1 for which a permit is not required.

Requiring a scale drawing of a proposed sign with a permit application is an obvious necessity in order to check the sign against the by-law requirements.

6) "And since these by-laws are now in effect there are also specific penalties for infraction which could be used in a discriminatory manner by a bureaucrat".

The regulations with respect to permitted sign types, areas, locations, etc., are clearly spelled out in the by-law, as also are the penalties for any infractions. No discretion is involved and penalties are a standard part of almost all by-laws being essential to the by-law enforcement process.

7) "To the best of our knowledge no notice was ever published or given to either the licenced sign manufacturers, merchants or public that such by-laws existed. We do, however, humbly submit that such a by-law can only be of real value if consultation on its content be made with sign manufacturers, sign erectors, representative merchants or property owners coming together with this municipal Council."

The original draft Sign By-law was prepared in May, 1971, after a lengthy period of research, examination of other sign by-laws and consultation with other municipal departments and officials of neighbouring Lower Mainland municipalities. Following study by the Advisory Planning Commission, comments were invited and discussions held with representatives of a number of concerned groups and organizations. These included the Illuminated Sign Manufacturers Association of B. C., Neon Products of Canada Limited, Wallace Neon Limited, the B. C. Petroleum Association, Community Planning Association of Canada, Citizen's Council on Civic Development and Community Arts Council. A considerable number of revisions were made to the draft Sign By-law as a result of these meetings and the various submissions received. It is our opinion that there has been ample consultation with all concerned groups, which covered a period of almost 18 months between the first draft of the Sign By-law in May, 1971 and its final adoption by the Council on October 16, 1972. Following Council adoption all sign

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companies with which the municipality has contact, were provided with the by-law and formally advised of its existence.

In conclusion, it is apparent that many of the points contained in the Sign Manufacturers brief are based on a misconception of the by-law regulations which could have been avoided through consultation with the Planning Department. The Sign By-law has operated quite effectively over the last four years, with few problems being encountered. There appears to be a need to spell out in Schedule 1 of the by-law those few signs which do not require a permit rather than rely on a policy approach. In addition, the preparation of an explanatory brochure for general distribution would be of assistance in providing the sign manufacturers, the business community and the interested public with a clear understanding of the sign regulations.

RECOMMENDATIONS

It is recommended

- (1) THAT the Planning Department be authorised to prepare an illustrated explanatory brochure of the Sign By-law for general distribution.
- (2) THAT a by-law amendment be prepared to spell out those signs in Schedule I which do not require a permit.


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