

ITEM	4
MANAGER'S REPORT NO.	44
COUNCIL MEETING	1978 06 12

Re: LETTER FROM EDMONDS MUSIC STUDIO WHICH APPEARED ON THE
AGENDA FOR THE 1978 MAY 29 MEETING OF COUNCIL (ITEM 6a)
ILLEGAL SIGNING

Appearing on the 1978 May 29 agenda was a letter from Mr. Dan Johnson who wishes to retain a sign which contravenes municipal by-laws. Following is a report from the Municipal Engineer on this matter.

Attached are five pages of pictures which show just a small number of street signs which were selected at random to illustrate the problem that is referred to in the Engineer's report.

RECOMMENDATIONS:

1. THAT the request of Mr. Dan Johnson of the Edmonds Music Studio of 7251 Kingsway, and similar requests for special permits to erect signing within street rights-of-way, be denied.
2. THAT a copy of this report be sent to Mr. Dan Johnson.

* * * * *

78 05 24

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL ENGINEER
SUBJECT: ILLEGAL SIGNING

Reference the submission of Edmonds Music Studio dated
78 05 17.

This request, from Dan Johnson of Edmonds Music Studio, 7251 Kingsway, comes as the result of a recently stepped up campaign to have illegal material, specifically advertising signs, removed from the public street allowances. With this increased enforcement, Council can expect several requests similar to Mr. Johnson's for permission to place signs within highway rights-of-way; therefore, we are taking this opportunity to inform Council of some of the background to our initiating this enforcement program.

The increased enforcement is the result of numerous complaints from the public regarding the potential hazards to pedestrians caused by "sandwich board" signs located on sidewalks. We have also received several complaints stating that these, and other illegal signs and material within the street rights-of-way, cause view obstructions when they are located adjacent to driveways or near intersecting streets and lanes.

The Edmonds Music Studio, and 44 other premises within the vicinity, to date, have been delivered notices, copy attached, informing them of Section 24 (1) of the Burnaby Street and Traffic By-law and the pending enforcement of this Section. These notices are hand delivered by Engineering Department Staff and give the date, usually the following business day (Monday to Friday) after which the offending signing will be removed by Municipal Crews. The authority to impound any sign within the street allowance is contained within Section 35 (1) of the Streets and Traffic By-law, (see attachment).

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(cont'd)

Previous attempts at controlling illegal signs by notifying owners of the offending signs and requesting their voluntary compliance with the Streets and Traffic By-law failed due to the refusal of some parties to comply. This was compounded by the difficulty in locating the owners of some signs, such as those advertising real estate.

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The Sixth-Edmonds-Kingsway area was selected as the initial enforcement area due to the complaints of the Eastburn Neighbourhood Area. The enforcement program coincided with a similar program instituted in the City of Vancouver which was given local press publicity, see copy of newspaper article attached. Burnaby also received press coverage recently regarding their "lack of enforcement" of By-laws controlling the proliferation of illegal signs. The magnitude of the problem of illegal signs, and other material, is such that it will take several weeks to cover all of Burnaby. The areas of heaviest vehicular and pedestrian traffic such as Kingsway and Hastings Street will be covered initially as they are also the most densely "populated" with illegal signs.

As stated previously, the request from Mr. Johnson could be the first of many that result from this enforcement. The arguments by Mr. Johnson in favour of retaining this sign are probably similar to those which could be received in the future, i.e.:

1. "My sign has caused no bodily injury" - While this may be true so far as his particular sign is concerned we have had reports of accidents whose cause has been attributed to the placement of illegal signs.
2. "No damage to passing vehicles" - We have had cases where such signing has created view obstructions that have resulted in motor vehicle accidents.
3. "It is no more of a nuisance than telephone poles, bus stops benches, concrete flower holders or litter containers" - All of these items, as well as street name signs, lamp standards, etc., are in the public interest in that they provide an essential service or have aesthetic appeal. The location of these items are approved by the Engineering Department and are selected to avoid creating any undue hazards. Telephone and Hydro poles are, wherever possible, being replaced with underground wiring for both aesthetic and safety reasons.
4. "...and has not bothered anyone" - The number of complaints we have received clearly indicate that this type of street furniture does bother many people.
5. "I will definitely lose sales by not placing my sign on your curb" - This statement, more than any of the others, could be used by everyone placing a sign out in the street and should not be accepted as an excuse to violate an existing Municipal by-law.

In addition to the Burnaby Street and Traffic By-law we would advise that the placement of the noted type of signing is in violation of the Burnaby Sign By-law Section 5.3 (1) which states in part:

"5.3 General Siting and Location Standards:

- (1) No business sign, non-accessory sign, special purpose sign, or identification sign shall be placed on, within or above public property..."

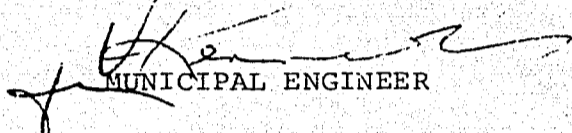
(cont'd)

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In summary, advertising signs, and other material placed illegally within the street rights-of-way have become a major problem and are of concern to both the public and ourselves, therefore, using the provisions of the Burnaby Street and Traffic By-law we have initiated an enforcement program to eliminate this problem.

RECOMMENDATION

1. THAT the request of Mr. Dan Johnson of the Edmonds Music Studio of 7251 Kingsway, and similar requests for special permits to erect signing within the street rights-of-way, be denied.
2. THAT a copy of this report be sent to Mr. Dan Johnson.


MUNICIPAL ENGINEER

DE/HB/cc
Atts.
c.c. () Traffic Supervisor

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Dear Sir and/or Madam:

The signing you have placed within the Municipal street allowance in front of _____

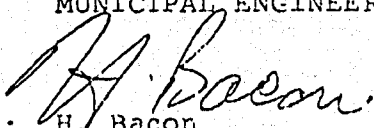
_____ is in violation of the Burnaby Street and Traffic By-law 4299, Section 24 (1). This section reads as follows.

"Section 24 (1). No person shall excavate in, do or construct any works upon, cause a nuisance upon, encumber, obstruct, injure, foul, or damage any portion of a highway or other public place without written permission so to do from Council and except under such terms and conditions as may be imposed by the Council in such permission."

Any sign(s) in violation of Section 24 (1), By-law 4299, appearing at the above location after _____ will be removed and disposed of by Municipal crews.

Yours truly,

E.E. Olson, P. Eng.
MUNICIPAL ENGINEER


by: H. Bacon
TRAFFIC SUPERVISOR

DE:cc

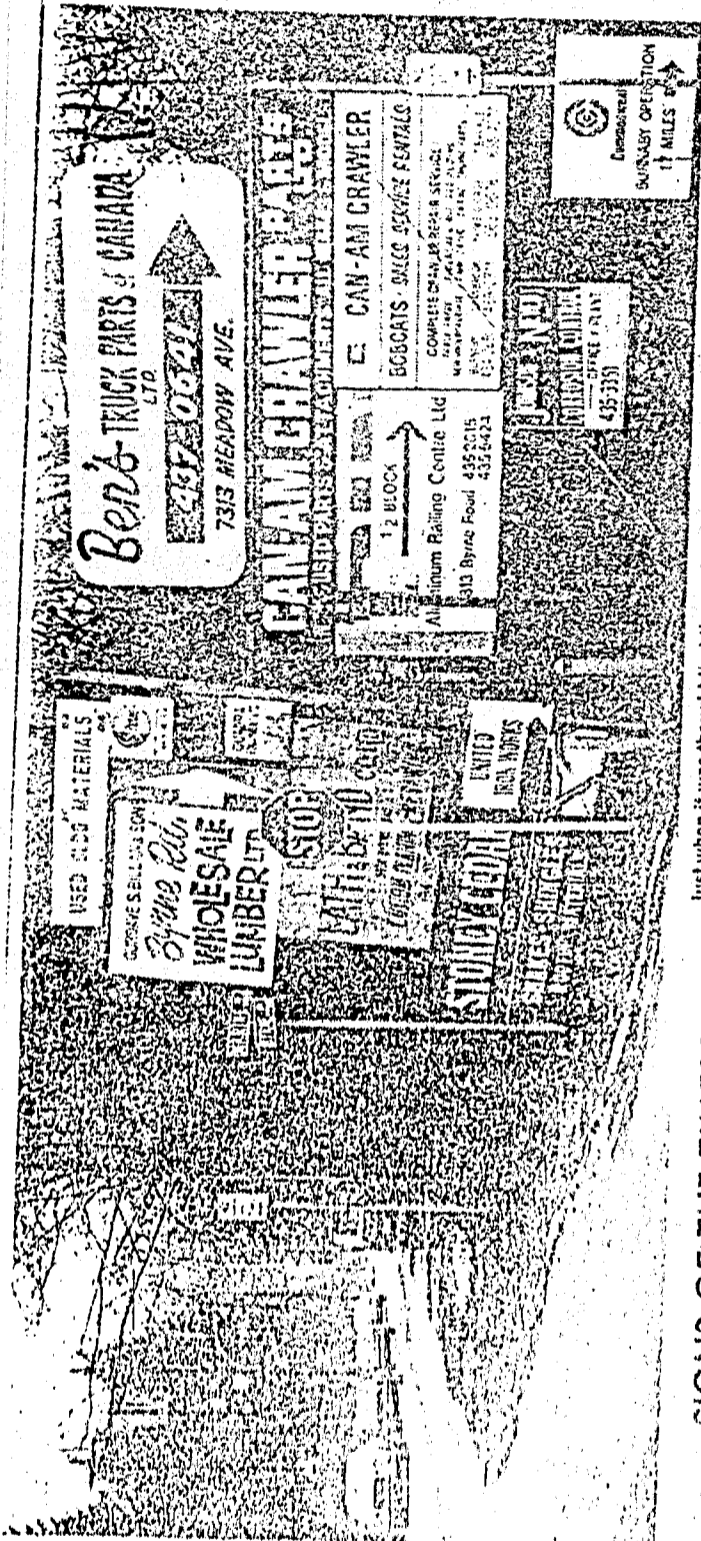


EXCERPT FROM THE STREETS & TRAFFIC BY-LAW

35. (1) Without limiting the foregoing, all peace officers are hereby authorized and empowered to remove, detain, or impound any vehicle, chattel, or obstruction unlawfully occupying any portion of a highway or public place, and to recover all costs and expenses incurred thereby either from the owner of the chattel, or by the sale of the chattel at public auction, or by action in any Court of competent jurisdiction.

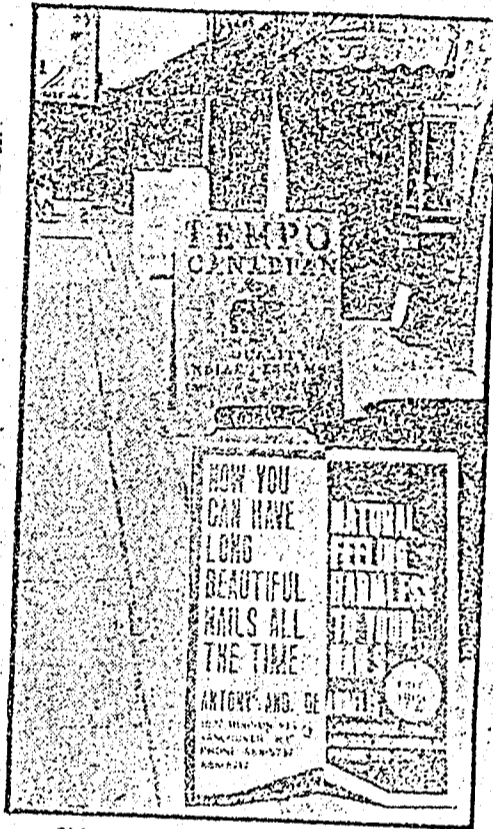
TAKEN FROM "THE COLUMBIAN"
 78 02 21

Taken from "The Province", 78 05 06



Just when it was thought that the modern day outdoor sign blight was over this crowded scene at Byrne Road and Marine Drive in Burnaby refutes the idea. Not a pretty sight for drivers heading east.

Columbian photo by Peter Battistoni



Sidewalk signs still on Robson Friday.

Sidewalk signs seized by city

Vancouver has confiscated 30 to 35 sidewalk signs in the past month, assistant city engineer David Rudberg said Friday.

City council ordered a crackdown on such signs, saying they are hazardous to the blind and handicapped and impede pedestrians.

Rudberg said more than 600 sign-owners have been notified and the total will likely reach about 1,000 by the time the city has been combed.

The downtown and most of the Broadway and Main Street areas have been covered.

"Our men explain the rules and if, 24 hours later, the sign is still there, we pick it up," said Rudberg.

"There have been no confrontations that I'm aware of," he said. "The campaign's going very well and the business community has been very co-operative."

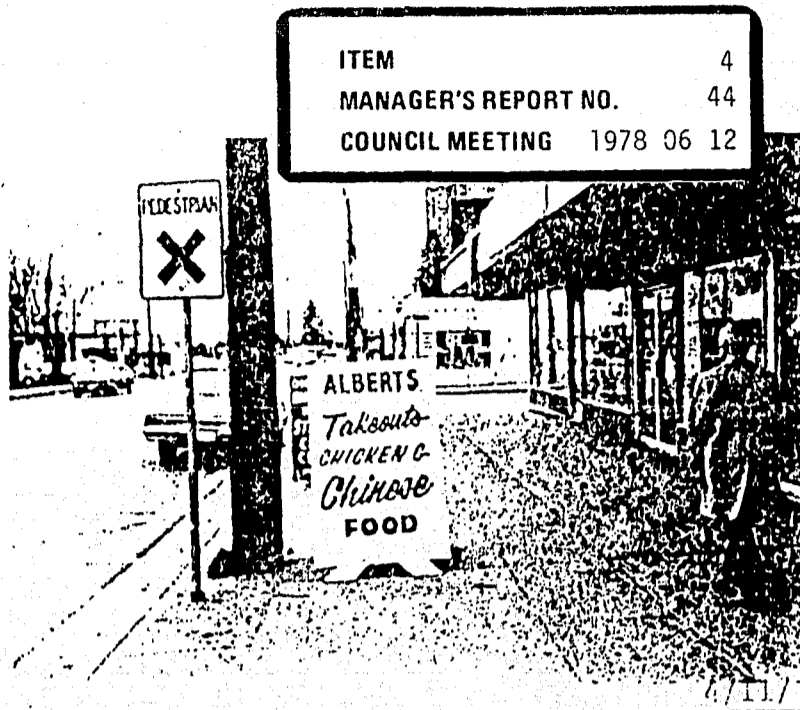
Owners whose signs have been confiscated can retrieve them from the city for a \$25 fee. Rudberg said only one has done so.

SIGNS OF THE TIMES?

EDMONDS STREET
(North side)

#15 ALBERT'S TAKE-OUT
7355 Edmonds Street

Description:
One sandwich board
sign located 45"
from sidewalk curb



#16 ONE HOUR MARTINIZING
7353 Edmonds Street

Description:
One sandwich board
sign located 22"
from sidewalk curb



#17 EDMONDS TRADING
CENTRE
7319 Edmonds Street

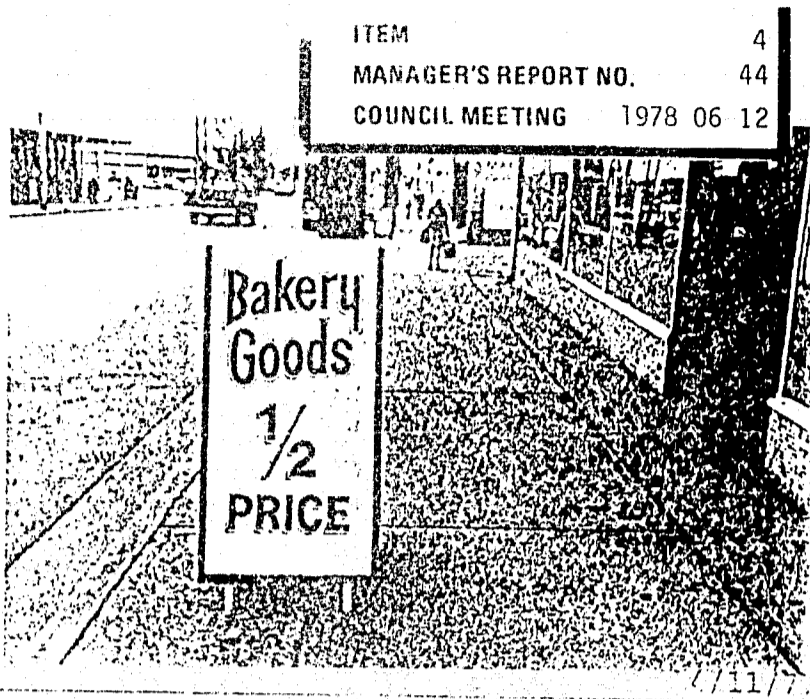
Description:
One sandwich board
sign located 6"
from sidewalk curb



(North side)

#12 FOREMOST DISCOUNT
STORE
7387 Edmonds Street

Description:
One sandwich board
sign located 20"
from sidewalk curb



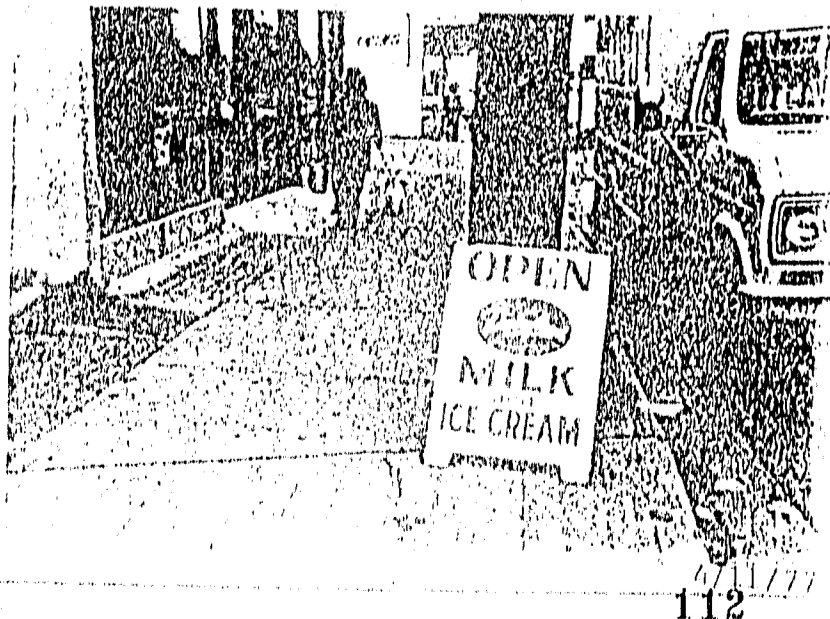
#13 TOMMY'S MARKET
7375 Edmonds Street

Description:
Three signs-
(a) One sandwich board sign
located 11" from sidewalk
curb
(b) One portable business sign
located 5" from sidewalk
curb



#14 TOMMY'S MARKET
7375 Edmonds Street

Description:
(c) One portable
business sign
located 14"
from sidewalk
curb



EDMONDS STREET
(North side)

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#18 THE SCISSORS
7305 Edmonds Street

Description:
One sandwich board
sign located 5'
from sidewalk curb



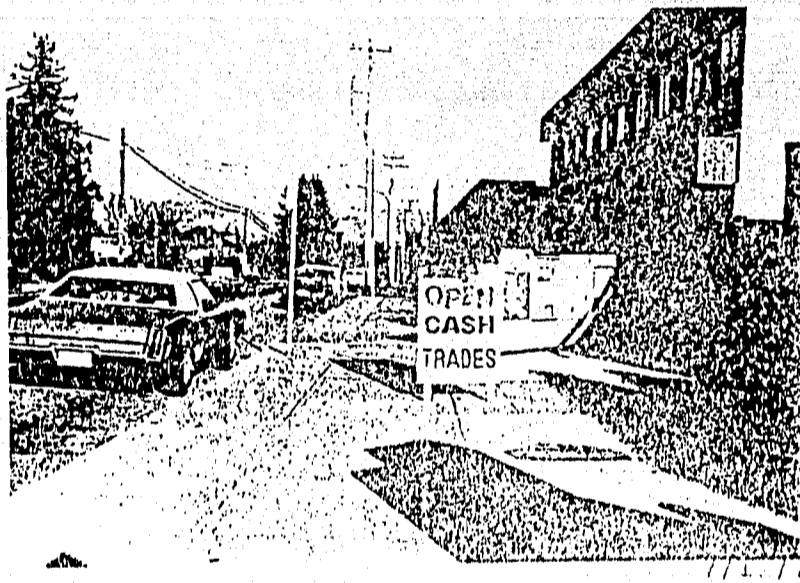
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EDMONDS STREET
(South side)

#19 EDMONDS APPLIANCE
CENTRE
7832 Edmonds Street

Description:
One sandwich board
sign located 1' on
public sidewalk.

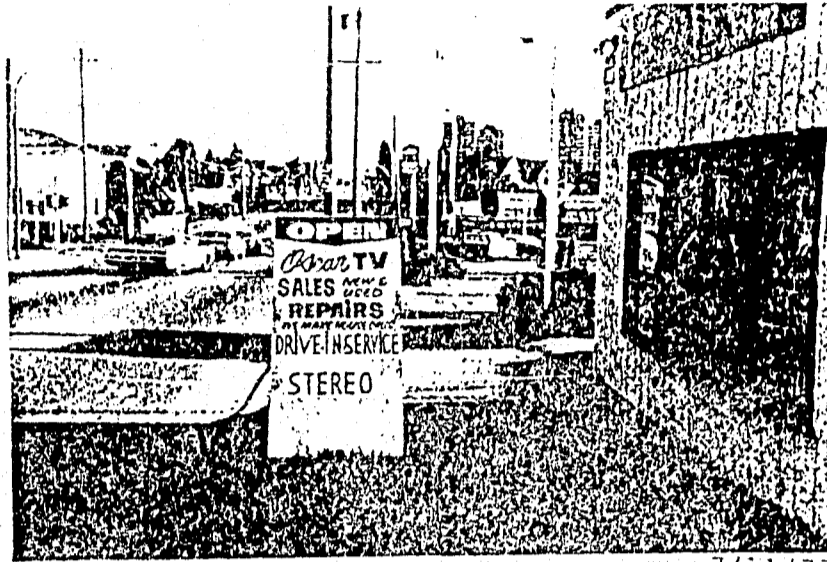


SIXTH STREET
(West side)

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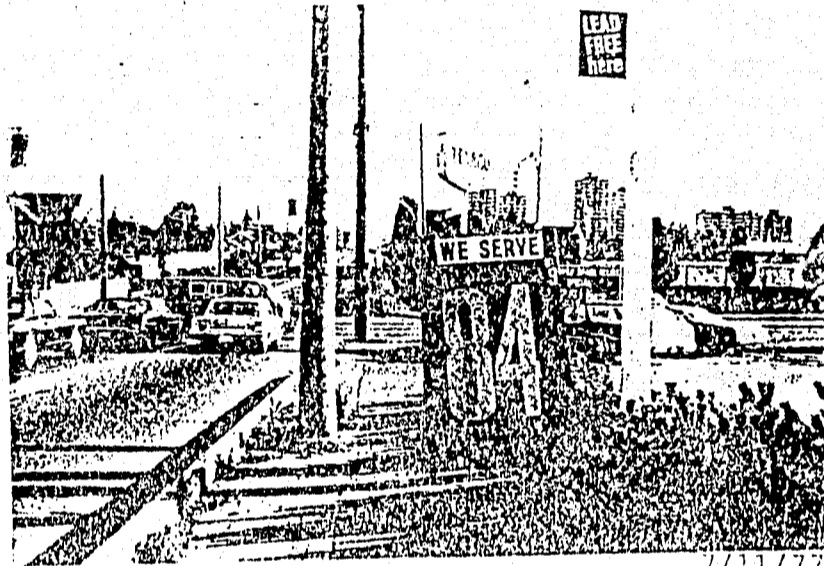
#29 OSCAR T.V. SALES
7877-6th Street

Description:
One sandwich board
sign located 1'5"
from sidewalk curb



#30 TEXACO GAS STATION
6th Street & 10th
Avenue

Description:
One large sandwich
board sign located
on the walkway.
The sign is placed
against the inside
walkway edge and
extends to the
centre of the
walkway.



SIXTH STREET
(East side)

#31 TICKY-POO
LAUNDRYMAT
7852-6th Street

Description:
One large sandwich
board sign located
in landscaping.
The sign is 1'8"
from the inside
sidewalk edge.



KINGSWAY
(West side)

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#40 TEXACO GAS STATION
Kingsway & 11th Ave

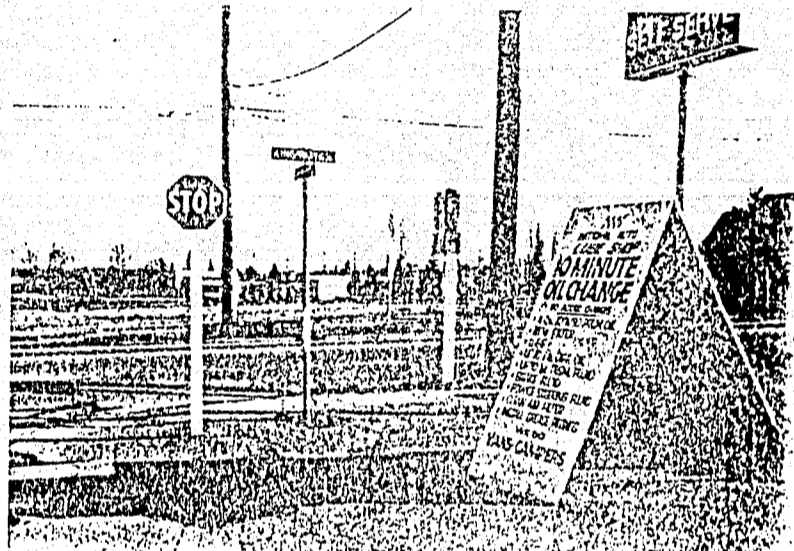
Description:
One sandwich board
sign located 14'8"
from curb edge



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#41 PACIFIC 66
7855 Kingsway

Description:
One large sandwich
board sign partially
secured in land-
scaping and extending
onto walkway

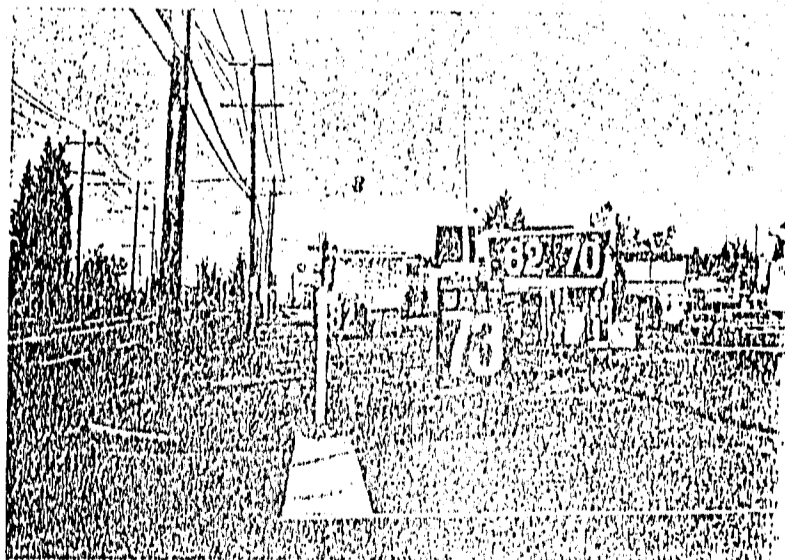


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KINGSWAY
East side

#42 GASOLINE ALLEY
Kingsway & 13 Ave.

Description:
Numerous signs



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