

RE: STAFF REVIEW OF THE REPORT OF THE BURNABY SIGN BYLAW REVIEW COMMITTEE  
(ITEM 6a, COUNCIL AGENDA 1982 NOVEMBER 15)

Since the staff have not had the opportunity of meeting with the Sign Bylaw Review Committee to discuss the issues raised by the Committee, it appears that there would be considerable merit in such a meeting taking place. It is therefore recommended that this staff report be referred to the Committee, and that it be asked to meet with the staff to review its report as well as this staff report.

If the Municipal Council agrees with this recommendation, prior to making such a referral motion and cutting off debate, the members of Council now may have some questions on both reports or points to make on them; in which case, these should also be referred at this time to the Committee and staff for consideration at the same time.

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT this report be referred to the Sign Bylaw Review Committee for review and report; and
2. THAT the Committee be asked to meet with the staff to conduct the review of both the staff report and the earlier Committee report.

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TO: MUNICIPAL MANAGER 1982 DECEMBER 08  
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 02.230  
SUBJECT: STAFF REVIEW OF THE REPORT OF THE BURNABY SIGN BYLAW REVIEW COMMITTEE - REFERRED BY COUNCIL 1982 NOVEMBER 15

RECOMMENDATIONS:

1. THAT the Recommendations outlined on pages contained in this report be approved and,
2. THAT the Municipal Solicitor be authorized to draft the appropriate bylaw text amendments for submission to Council and further action.

REPORT

SUMMARY:

This report conveys the conclusions of the staff review of the Proposed Changes or Additions with reference to the Burnaby Sign Bylaw, as submitted by the Burnaby Sign Bylaw Review Committee on 1982 November 15. Following an examination of the proposals by staff of the Planning & Building Inspection Department, and consultation with staff of various municipalities referred to in the Proposals, we have prepared a point-by-point discussion on the proposals, together with recommendations, and also provided Council with a reiteration of the principles on which the Bylaw was based when adopted in 1972. Additionally, an outline is provided of various aspects of the present bylaw which staff believe also merit consideration by the Committee and Council, related to experience with the Bylaw over recent years and in anticipation of future advances.

This review is submitted for Council's assistance in considering the ramifications of the various proposals, and makes recommendations that are believed to be in keeping with the intent "to balance the (advertising) need in the various districts against the effect of signs on the character of the district, on values, and on aesthetic considerations".

#### 1.0 BACKGROUND

1.1 The Burnaby Sign Bylaw was adopted in 1972 following extensive discussion and input from various sectors of the community, involving staff, representatives of the sign industry, citizens groups and representatives of user groups. It was reviewed by a Special Committee of Council in 1977, and again discussions took place with representatives of the sign industry, realty and development companies, the Chamber of Commerce reflecting commercial users' interests, and municipal staff. A number of amendments were made following that review.

In 1981 October, a Sign Bylaw Review Committee was named, and its work resulted in a set of amendment proposals as received by Council 82 Nov. 15. Staff are not aware of the input obtained by the Committee in its deliberations, but the report was referred to staff for review and comment.

The proposals have been examined with respect to their anticipated consequences and their relevance to the purposes and objectives of the Bylaw as originally conceived and up-dated to current notions of the community interest. The workability and enforceability of proposals have been discussed with Building Inspection staff responsible for administration of the bylaw, and various points have been discussed with staff of the other municipalities from which the amendment proposals were derived.

1.2 When the Sign Bylaw was advanced for consideration by Council in 1971, the guiding principles were outlined in an Introduction. In addressing the present proposals, it is useful to have these principles in view. The following extracts from the Introduction are pertinent to aspects of Council's present consideration related to the broad, underlying purposes that should be conserved:

"Signs are not erected in roughly equal numbers throughout all sections of a community because their impact is more immediate in association with certain land uses. As a result, signs are generally at a minimum in residential, agricultural, institutional and other 'low density' areas and at a maximum in the commercial districts where goods are bought and sold, and to a lesser extent, in industrial zones where goods are produced.

"This pattern is reflected in the Sign Schedules of the proposed bylaw where the regulations and standards for various types of signs are related to the broad zoning district categories of the Municipality. In this way the bylaw attempts to balance the need in the various districts against the effect of signs on the character of the district, on values, and on aesthetic considerations."

"The point is that advertising signs must be evaluated in a particular context. The fact that many types of signs would be offensive in a residential, agricultural or institutional area does not necessarily mean that they would be ugly or out of place in a commercial or industrial district. Controls which restrict signs to basic essentials in certain land use districts, while permitting a wider range of latitude in others are therefore desirable."

"As the number of signs in a given area increases, each individual sign tends to become progressively less effective in conveying its intended message. Ironically, in such competition every one is the loser. Such a state defeats the whole purpose for which the signs were originally erected. If, in order to be noticed, a sign must be over-sized, garish in colour and thrust out or high in the sky, there is an almost invariable reason - the proximity of other signs equally misplaced, over-sized and garish.

"Apart from the frequent unsightliness of such areas, where each sign 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 some controls be placed on the number, type, size and location of signs in different land use zones."

"Under the proposed bylaw regulations, billboards, rotating signs or flashing signs are not permitted. None of these types of signs is considered necessary to effectively convey a visual advertising message. Further, they attract attention to a degree where they present an intrusion into surrounding areas as well as a hazard on heavily travelled thoroughfares."

Additionally, we would emphasize that development standards that are applied in one Municipality are not necessarily appropriate in another where the community's values and aspirations, its land use characteristics, and its urban setting may be quite different. For this reason, we would caution against simply importing standards from other communities, particularly on a selective basis or outside the context of the balance of that community's bylaws. What is required is a thoughtful appraisal of the goals and objectives of this community, balancing environmental considerations with the needs of the business community for identification.

## 2.0 CLASSIFICATION OF PROPOSALS AS SUBMITTED

2.1 The various proposals put forward by the Committee in its report were ordered generally in sequence according to the page numbers of the Bylaw.

To assist in dealing with the thrust and implications of each, it is useful to group the proposals in some fashion. The following categories were employed to aid in analysis and conceptualizing the general types of outcome expected. (The classifications reflect the staff's understanding of the intent of each proposal, although in a few instances there may be some uncertainty as to the effect intended by the Committee.)

- A. Proposals related to administrative or procedural changes affecting the application and scope of the Bylaw.
  - B. Proposals to amend text relative to interpretation and clarity.
  - C. Proposals related to technical or structural provisions.
  - D. Proposals that would have the effect of increasing the number and/or size of signs where currently permitted.
  - E. Proposals that would lead to the introduction of types of signs which are presently prohibited under the Bylaw.
- 2.2 The key issues which seem to emerge from the proposals are:
- 2.2.1 The introduction of types of signs that are presently prohibited under the Bylaw (for example, poster panel signs, changing message signs which employ flashing lights or sources of changing intensity, changing message signs that employ rotating panels, projecting and roof signs in various districts);
  - 2.2.2 Major increases in the number and/or the size of signs, of types currently permitted (for example, doubling area of multi-face freestanding signs, doubling the number and total area of free-standing signs in various districts, etc.); and
  - 2.2.3 Technical or interpretive changes that would affect sign height, exposure of external structural elements, structural replacements and refurbishing of non-conforming billboard signs, etc.
- 2.3 The following section describes the conclusions of the staff review on a point-by-point basis, according to the classification grouping mentioned above. (The Committee Report Reference number identifies the page that appears near the top of the Committee's proposal sheets and the item number corresponds simply to the order in which the proposals are set out on the page).

A. PROPOSALS RELATED TO ADMINISTRATIVE OR PROCEDURAL CHANGES AFFECTING THE APPLICATION AND SCOPE OF THE BYLAW:

COMMITTEE  
REPORT  
REFERENCE

COMMITTEE  
PROPOSAL

DISCUSSION

Pg. Item

2 1

Proposal to add words  
"which is visible from  
any public street and  
is . . . ." to definition of  
"Sign".

This proposal would remove signs which are within  
shopping centre "public spaces" and within the  
interior of larger sites (whether in an internal or  
outdoor setting) from the control of the sign bylaw.  
It is felt that business signs in such areas, which  
are commonly accessible to the public, should not  
be exempted.

Recommendation #1 of Item 9, Manager's  
Report #62 should be brought forward  
for consideration and approved.

5 1

Proposal to correct  
typographical error (in  
Section 3(1) "Application",  
the word "with" should  
read "within"); to exempt  
from permit requirements  
a variety of types of copy  
changes, face repairs, and  
maintenance work including  
replacement of structural  
elements, lighting, and  
refurbishing, and also to  
provide for modifications  
to existing, non-conforming  
billboards, subject to  
qualifications, under  
Section 3(3).

While "maintenance" of existing, non-conforming  
signs has never been at issue, structural replace-  
ments, copy changes, and modifications have been  
prohibited unless in conformity with the provisions  
of the Bylaw. This was designed to ensure that while  
non-conforming signs may continue to be used (pro-  
vided they are maintained in a safe condition) signs  
of types, sizes, or in locations which offend the  
adopted bylaw should not be perpetuated beyond their  
normal, functional lifetime. It is felt this provision  
should be maintained in order to provide for an orderly,  
gradual transition to modern sign displays which do  
conform to contemporary community standards, and that  
the only effective way of achieving this is to main-  
tain the requirement for permit application and  
review prior to physical modifications being started.

The current provisions of Section 3(3)  
should be maintained, but the Solicitor  
should prepare a minor amendment related  
to the word "with" in Section 3(1).

However, it has been concluded that a more stream-  
lined manner of dealing with approvals of individual  
signs in internal shopping malls would be beneficial,  
using the provisions for a Comprehensive Sign Plan,  
and this has been recommended in the report sub-  
mitted 1982 November 08 (Item 9, Manager's Report  
#62.)

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COMMITTEE  
PROPOSAL

Proposal to delete from the provisions concerning Comprehensive Sign Plans the reference to "colour" and the provisions for submission to the Director of Planning of a plan complying with the sign area and density regulations of the Bylaw, and resulting in an improved relationship between the various parts of the plan.

DISCUSSION

While the color of proposed sign displays is considered to be significant in evaluating a submitted comprehensive scheme, and while many architects and designers choose to specify color as part of their design work, it is acknowledged that the location, size, height, lighting, and orientation of signs are more critical to their acceptability as part of a Comprehensive Plan.

RECOMMENDATIONS

Deletion of the reference to colour will not severely affect the success of Comprehensive Sign Plans, but the provisions for submission of plans to the Director Planning reflecting the present criteria should be maintained.

The stipulation that the plan shall comply with the sign area and density regulations of this Bylaw and shall result in an improved relationship between the various parts of the plan" provides the necessary fundamental guideline to assure consistency with Council's adopted overall objectives under the bylaw, and to prevent charges of discrimination. Maintaining this criterion will allow the applicant considerable design flexibility in planning the specifics of his display, while maintaining equity vis-a-vis the Municipality's overall standards.

Proposal to delete section 700.3 (1)(d) from the Burnaby Zoning Bylaw.

This section outlines the requisites for a plan submitted for Comprehensive Development Zoning, and includes provision for information on signs proposed to be included in the development.

It is important that the needs of tenants in CD projects for identification be taken into consideration as part of the initial design, in order that these needs can be properly met in the completed project, and not left to be added as afterthoughts.

The inclusion of sign display proposals as part of the design development of CD projects should be maintained.

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In practice, sign display proposals in CD plans are expected to be shown in conceptual form only, detailed design following as part of the finishing details when precise client needs are fully known.

B. PROPOSALS TO AMEND TEXT RELATIVE TO INTERPRETATION AND CLARITY:

Proposal to add definition of "Grade" based on the City of Vancouver Bylaw.

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It is agreed that it would be desirable to define "grade" as the term is used in the Bylaw. The wording should be adapted to reflect the fact that building elevations are not established by the Municipal Engineer in this Municipality; it would be appropriate to refer to street curb elevation for those signs which are permitted to project over public streets.

The Solicitor should prepare an appropriate amendment to define "grade" relative to the street curb elevation.

Proposal to add definition of "Height of Sign" to mean the vertical distance measured from the highest point of the sign to the grade at the nearest street.

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The present definitions for Maximum and Minimum height of signs refer to the nearest finished grade at the base of the sign. The proposal would result in freestanding signs of widely varying structural heights on sites which are substantially above or below adjacent street level. The potential ramifications of this are still being examined as there is a complex relationship between sign location, sign height and the relationship to buildings on site and observers on the street.

Further time is required to conclude our examination of the implications of this proposal; in order to not delay the balance of the topics, it is recommended that action on this item be deferred for a further report.

There is an apparent inconsistency between this definition proposal and the one for "grade"; the implied contradiction should be resolved in any amendment.

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Proposal to add punctuation to list of types of signs permitted under Schedule IV.

Understanding of the meaning of the options contained in this sentence in Schedule IV and also Schedule V could be improved by minor rewording, to make it more clear that two signs are permitted per street bounding the property, selected from the following alternatives:

- two business signs
- or
- one business and one non-accessory sign,

selected from the following range of types:

- canopy
- or
- fascia
- or
- freestanding, etc.

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Proposal to delete definition of "Sign, Minimum Height of".

This definition is necessary to give the meaning of the minimum height clearance regulations for various types of signs as contained in the bylaw, to ensure adequate safety and vision clearance where needed.

The definition should be maintained in the Bylaw.

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Proposal to permit the supporting structure of a projecting - type sign to extend vertically up to 12 inches above the roof line or the top of the parapet of a building.

This proposal would apparently permit an exposed structural element to be employed for the purpose of suspending a projecting sign from a point above the roof or parapet line.

The current provision of the Bylaw should be retained.

This would seem to be a retrograde step as the Bylaw since its adoption has in Section 5.1(5) required that "all framework and other rigid devices required for the lateral support of the sign be contained within the sign's body or within the structure of building to which it is attached, in such a manner as not to be visible to any person." This provision has resulted in clean, unobtrusive sign designs without exposed structural supports, and should not be compromised.

D. PROPOSALS THAT WOULD HAVE THE EFFECT OF INCREASING THE NUMBER AND/OR SIZE OF SIGNS WHERE CURRENTLY PERMITTED:

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Proposal to replace current definition of "Sign Area" with one which would (a) permit up to double the presently permitted total face area for multi-face signs, and (b) alter the method of measuring the area of signs not having a frame, border, or back-ground, thereby resulting in a potential major increase in sign area.

(a) The sign bylaw as initially adopted in 1972 established the maximum permitted total face area for signs of various types. For a sign side or face was counted in computing the total sign area. In 1974, in response to requests from sign users who by virtue of site or development geometry or area ascribed to a single face, the definition was amended to permit computation on the basis that sides or faces that could not be seen by a person who was not on the site on which the sign is located, would not be counted (e.g., facing the principal building, etc.)

The current definition of "Sign, Area of" appropriately reflects the established standards of this Municipality, and should be maintained.

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The present proposal, on the other hand, would allow each face of a double face sign to have an area equal to the total permitted for that District; this amounts to a doubling of the established maximum sign area.

The resulting 100% increase in permitted sign area cannot be supported.

(b) For a facia or other type of sign that has a group of letters, figures, or symbols without a frame, border, or background, the current bylaw provides for the area to be measured to the shortest line surrounding the whole group of letters, figures, or symbols of such sign (this so-called "string-line method" is common for applications of this sort).

The proposal would substitute for this a summation process of the string-line areas of all the individual letters or figures, thereby effectively excluding all intervening spaces (which would be counted if there were a border or frame), and resulting in a potentially massive increase in the total area comprising the display. Such an increase in size cannot be recommended.

Proposal to amend  
definition of "Sign  
Facia".

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It is not known why the present definition is proposed to be changed; the definition in Burnaby's bylaw has served the purpose to the best of our knowledge. The proposal presents a number of ambiguities (exclusion of billboards and non-accessory signs from this generic class of signs; reference to "approximately parallel," etc). Additionally, the maximum depth of projection

The present definition is appropriate and should be retained.

would be increased from 12" to 15", whereas the industry's standard metal cabinet for internally illuminated signs is typically 8" or 9" in depth, well within the present 12" limit for projection (over public property).

The intent of the proposed amendments appears to be to allow greater exposure of such special purpose signs. Although staff consider the present permitted sizes to be adequate for use in an urban area, it is felt that the requested increase could be accepted provided it is understood that these signs are to be directional or regulatory in nature, not to be used as business signs, and provided that directional signs from 2 square feet to 6 square feet; eliminating the present maximum for regulatory signs intended to control or prohibit parking (presently 4 square feet); and increasing the maximum area for "no trespassing" signs from 2 square feet to 6 square feet.

Proposal to amend the sign area regulations for certain types of Schedule I "special purpose" signs which are permitted in all districts; specifically, increasing the maximum area of on-site directional signs from 2 square feet to 6 square feet; eliminating the present maximum for regulatory signs intended to control or prohibit parking (presently 4 square feet); and increasing the maximum area for "no trespassing" signs from 2 square feet to 6 square feet.

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The M4 Special Industrial District is a unique one in which residential single-family and two-family dwellings are specifically permitted along with a variety of light industrial uses, under conditions designed to minimize conflict with the residential use. The present designation is appropriate to minimize conflict with the existing residential uses in the M4 zone, and should be maintained.

Proposal to delete the M4 District from Schedule No. III (districts such as P and C) which commonly share an interface with

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residential zones) and add it to Schedule IV, (districts of higher commercial intensity and industrial zones where residential use is not permitted).

As such, it is appropriate to respect this interface by regulating the size and amount and type of external sign display in the same way as is done for local commercial uses or institutional uses in close proximity to residential uses.

While it is acknowledged that industry is gradually displacing older residential dwellings in the M4 areas, there still are substantial numbers of dwellings which should continue to be respected and protected by maintaining the appropriate environmental standards, so that the living environment is not caused to deteriorate.

Proposal to allow an increase in the maximum number of freestanding signs from 2 to 4 per site street frontage in the C2, C5, C6, M1, M2, M3, (M4), M5, M6, M7, C3, C4 and C7 Districts.

This proposal, modelled after the District of Surrey's bylaw, would allow a two-fold increase in the number, and hence the combined area, of freestanding sign display on sites with multiple tenancies where the distance separation condition can be met. Such a change would permit, and probably encourage, a major shift in sign display emphasis to multiple, high impact free standing signs lining the streets in commercial and industrial areas, increasing visual clutter and also the total extent of advertising display by up to 100%.

The experience in strip commercial locations in Surrey demonstrate the resulting effect, and the reasons that proposal should not be supported. We understand that changes are being considered to Surrey's bylaw to increase the distance separation criteria so as to achieve a more aesthetically pleasing environment.

The proposal to increase the permitted number of freestanding signs would result in a potential doubling of sign display and a deterioration in the quality of our commercial and industrial areas, and should not be approved.

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E. PROPOSALS THAT WOULD LEAD TO THE INTRODUCTION OF TYPES OF SIGNS WHICH ARE PRESENTLY PROHIBITED UNDER THE BYLAW:

2	<p>Proposal to amend definition of "Sign, Animated" by deleting references to being "maintained at a constant intensity of illumination" and references to changing messages, multi-panel copy changes etc.</p>
2	<p>This measure is related to the proposal to introduce signs which exhibit changing messages, accomplished by a variety of means including automatic switching of lamps or tubes and the use of rotating panels.</p>

See reference 3.1 below.

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Proposal to amend the definition of "Sign, Flashing" and to add a definition of "Sign, Changeable Copy" so as to permit the introduction of illuminated changing message centre signs and the use of signs which effect copy changes by rotating panel mechanisms.

Council has previously received reports on the subject of electronically-controlled message centre signs on 1980 July 21 and 1980 November 03 which concluded that it would not be appropriate to vary the present provisions of the Bylaw which prohibit signs which contain flashing lights or which exhibit noticeable changes in light intensity (public service digital time and temperature signs excluded). The sign industry, which manufactures or leases such signs, has stressed the advantages, which include the potential for advertising many tenants on a single display, the opportunity to change display messages very quickly and easily, and the high communications impact of this type of sign.

It is recommended that the prohibition of signs which contain flashing lights, which exhibit noticeable changes in light intensity, or which contain rotating or revolving parts, be retained.

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The changing message effect is accomplished by the switching of light sources on or off to create patterns which have the illusion of movement. In contemporary signs this is controlled by an electronic device which is capable not only of moving letters across the visual field (as previous, more mechanical types of controls had permitted), but also of stimulating a whole range of computer graphics effects (expanding or shrinking images, rolling in/out, flashing, disintegrating or materializing images, etc.) that create an extraordinarily high level of eye-attraction.

These highly-sophisticated effects, together with the obvious matter of use of flashing lights, yield an advertising device of great commercial effectiveness (albeit at relatively high cost), but also produce sources of driver distraction and visual dominance.

The introduction to the report outlining the provisions of the proposed new Sign Bylaw as submitted to Council in 1971 March made the following statement under the caption "Proposed Standards":

"Under the proposed by-law regulations, billboards, rotating signs or flashing signs are not permitted. None of these types of signs are considered necessary to effectively convey a visual advertising message. Further, they attract attention to a degree to where they present an intrusion into surrounding areas as well as a hazard on heavily travelled thoroughfares".

Although the mechanisms for operating signs with flashing lights, rotating panels etc. have changed since 1971, the principle of avoiding unnecessarily obtrusive signs producing distraction and hazard has not changed. In areas of increasingly intensive

urban development it is important to maintain positive sign standards which enable merchants large and small to have an equitable share of market attraction, and which simultaneously prevent undue intrusion or distraction. Accordingly the introduction of signs with flashing lights or revolving or rotating parts would be contrary to the objectives and the spirit of Burnaby's bylaw, and can not be recommended.

Proposal to add projecting signs and roof signs to the types of signs permitted in the C2, C5, C6, M1, M2, M3, (M4), M5, M6, and M7 Districts. (Schedule No. IV)

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Since the inception of the bylaw, projecting and roof signs have been permitted only in the C3, C4 and C7 commercial districts (Schedule No. V). These zones accommodate the most intensive commercial development and/or the greatest highway orientation, felt to warrant the greatest range of permissible sign types. The districts under Schedule No. IV are less intensive or more specialized commercial in nature or industrial, and the range of permitted sign types (facia, canopy, and freestanding) has been considered to meet their needs.

Proposal to add and amend various sections to permit the introduction of "Poster Panels" in the Municipality:  
- definition  
- amendment to definition of "Sign, freestanding"

This proposal deals with a non-accessory type of sign that is essentially a billboard (the distinction lies in the size of the two types of sign, as a poster panel as proposed would be permitted to have a display area, exclusive of any frame, up to 200 square feet, whereas a "billboard", by definition, would be such a sign which exceeds an area of 200 square feet).  
Billboards are defined in the Sign Bylaw, and are

It is recommended that Council take no action at this time on the subject of poster panels.

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- to exclude poster panels.
- amendment to definition of "Sign, non-accessory" to exclude poster panels.
- addition to list of permitted signs (in addition to business or other non-accessory signs) in Schedule IV (except C2) and Schedule V.
- addition of regulations governing distance separations, location, height, support, etc.

specifically prohibited under Section 5.1(8). To now enact changes which would allow similar devices which are only marginally smaller would be, on first consideration, contrary to the objectives of the bylaw and would result in the creation of an entirely new potential market for such signs across extensive, highly visible areas of the municipality.

As such, the Planning & Building Inspection Department would strongly recommend against approval of this proposal to re-introduce what is essentially a modernized form of billboard advertising.

We have recently, however received a request from a representative for a sign company for consideration of a proposal for a scheme to allow replacement of existing, non-conforming billboards in our community with poster panels. The proposal is currently under consideration as to its ramifications and estimated short and long term impacts, and will be the subject of a separate report to Council. As a result, it may be premature to reach a conclusion on this subject, and it is recommended that Council take no action at this time on the proposals concerning poster panels.

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4.0 FURTHER AMENDMENTS FOR CONSIDERATION

- 4.1 In the course of administering the bylaw, staff become aware of areas of the bylaw which would merit updating, clarification, or amplification in order to make it more effective, more easily understood, or more current relative to new directions in the industry. It is appropriate to bring forward such matters at this time as part of the review process, for consideration by the Committee and Council.
- 4.2 A type of sign display which has created widespread problems in municipalities throughout this region since the last bylaw review is the so-called "mobile" or portable sign. This type of sign is typically a two-sided, usually internally-illuminated sign with provisions for changeable copy letters, frequently incorporating flashing lights, arrows, or symbols, all affixed to a light metal framework and legs which may be transported from site to site on a small truck or trailer or may travel on its own set of wheels and axle (which in turn may be demountable from the frame).
- Such signs are commonly rented to places of business by the week or month, and are most often situated on parking lots adjacent public streets, in landscaped front yard areas, on street boulevards, or on the travelled portion of the road itself. While sometimes put in place as a temporary expedient by new business prior to installation of a new permanent sign, these portable signs are in the main being used on a repeated or continuing basis, without benefit of approval or inspections, and in excess of the total permitted number of signs on a given site.
- The signs are commonly connected to the electrical supply via an exposed extension cord across the surface of parking areas, driveways, and pedestrian walks, in a manner that is unsafe and in violation of the electrical codes.
- The use of such signs, in excess of normal signing standards and in a completely ad hoc fashion, has created objections in cities across North America where bylaw provisions have not been adequate to provide effective control. In this area, some municipalities permit such signs on a restricted-time basis only: control has been found to be excessively costly and ineffective, and amendments are being contemplated to prohibit or otherwise restrict the use of portable signs.
- It should be noted that Schedule I, Section (14) does permit the placing of "one temporary on-site freestanding non-illuminated changeable copy panel sign on a property located in a C, M, or P District, provided that no such sign shall exceed an area of 40 square feet". Upon application, permits are approved for temporary signs meeting these criteria. The mobile or portable signs however exceed the maximum area requirements (typically 80 square feet or greater in area), are illuminated, are frequently on or over public property, and frequently contain flashing lights. The portable sign as described is not a permitted type in Burnaby, and is therefore prohibited.
- In Burnaby, portable signs have been the chief source of complaints in the past two or three years. Complaints have been received both from residents (objections to glare, unsightliness) and from merchants or owners of other, legitimate signs in the area of an offending portable sign. Such signs have severely blighted the appearance of several commercial and industrial areas of the municipality, conflicting with the effectiveness of permanent, conforming signs in conveying their intended commercial message. Moreover, the persistence of these signs in spite of complaints by other citizens and the best efforts of the municipality to enforce its bylaw tends to inhibit the effectiveness of sign control legislation.

The difficulty in gaining effective enforcement in this regard stems from the fact that the Crown Prosecutor's office considers the existing bylaw to be not sufficiently clear and specific in its language to warrant commencing a legal action against offenders who display such signs over private property.

To overcome this problem, it is recommended that the Municipal Solicitor be authorized to draft the appropriate text amendments for submission to Council, defining this particular type of sign, suitably distinguishing it from various types of permitted signs, and specifically including it in the list of prohibited sign types under Section 5.1(8).

4.3 Where illegal signs are placed without passing through the permit system, the Chief Building Inspector takes steps to obtain compliance with the bylaws, and this sometimes culminates in a need to lay charges through the court system.


At this time, the language of the enforcement section of the Bylaw (Section 6.5) centers on the person who erects, places, rebuilds, reconstructs, alters, or moves a sign: that is, the emphasis is on the physical act of erecting the sign, etc. Consequently, the preparation of such cases can be time-consuming and costly, and sometimes impossible, where the staff cannot with certainty establish who actually did the work that caused the infraction, or the time the action took place.

In order to remedy this situation and provide for effective and equitable enforcement where necessary through the prosecutor's office and the courts, it is recommended that the Municipal Solicitor be authorized to prepare the appropriate text amendments to clarify the matter of the display of an illegal sign.

4.4 The recommendations contained in this report are intended to enable Council to up-date and clarify the Municipality's Sign Bylaw in a fashion consistent with the continuing goal of meeting advertising and identification needs in various districts in balance with the character and environmental values of the community.

*AP*  
DGS/g1

cc: Municipal Solicitor  
Chief Building Inspector  
Assistant Director, Longe Range Planning & Research

  
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DIRECTOR PLANNING &  
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