

ITEM 10
MANAGER'S REPORT NO. 14
COUNCIL MEETING 85/02/18

RE: LETTER FROM MR. BILL BEAZLEY, WEST COAST MOBILE LOCKSMITHS LTD.,
WHICH APPEARED ON THE AGENDA FOR THE 1985 FEBRUARY 11 MEETING OF COUNCIL
(Item 4 a) - REMOVAL OF ILLEGAL SIGN

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Engineering be adopted

* * * * *

TO: MUNICIPAL MANAGER 1985 02 11

FROM: DIRECTOR ENGINEERING

SUBJECT: REMOVAL OF ILLEGAL SIGN -
WESTCOAST MOBILE LOCKSMITHS LTD.
#3 - 3760 EAST HASTINGS STREET

RECOMMENDATION:

1. THAT Mr. Beazley of West Coast Mobile Locksmiths Ltd.,
#3 - 3760 East Hastings Street, Burnaby, B.C., V5C
2H5, receive a copy of this report.

REPORT:

Reference the submission from Mr. Bill Beazley of West Coast Mobile Locksmiths Ltd.

The Municipality has been conducting a program of removing illegal signs (those on public rights of way) since 1978. Prior to the removal of a sign it was the practice to advise the owner, if he was known locally, by form letter of the violation and that if the sign was not removed it would be impounded and disposed of. Since the start of the program there have been hundreds of these notices issued. A sample copy is attached. Our experience has shown that such notification had very little effect in the reduction of these signs. Those that did comply with the notice did so for only a short period of time and then brought the sign back out again.

Commencing in 1984 October we stepped up our program of removing illegal signs on the street systems in Burnaby. Because of the apparent failure of notices we decided to forego further issuance of notices and just remove illegal signs. We should point out that notices are not required but were issued in the past as a public relations approach. Since 1984 October we have removed in excess of 400 illegal signs. However, as noted on the attached photos, they soon reappear.

On Hastings Street and Kingsway, which are Provincial Arterial Highways, we have used section 213 (1) (a) of the Motor Vehicle Act as our authority to remove illegal signs.

"Section 213 (1) A person shall not erect or maintain, or cause to be erected or maintained, a sign, advertisement or guide post on or over

(a) an arterial highway or a highway in a rural area, except with the approval of the Minister of Transportation and Highways.

Section 213 (2) The Minister of Transportation and Highways may cause a sign, advertisement or guide post erected or found on or over a highway, whether erected with or without his approval, to be altered, repainted, torn down or removed from the highway without compensation to any person for loss or damage resulting from the alteration, removal or destruction."

Further to the above the Minister of Transportation and Highways has, through Circular G26/73, Section 3, Municipal Responsibilities Non-Freeway Type Arterial Highways, assigned the responsibility for the construction, maintenance and control of all works behind the curb on curb and gutter improved Arterials to the Municipality.

Mr. Beazley indicated in his letter that "we have since been informed by the R.C.M.P. that the sign was contrary to Burnaby bylaws but there is some question as to the legality of the immediate destruction of our property." We contacted the R.C.M.P. but were not able to obtain confirmation that this statement was made by any member of the Burnaby Detachment, R.C.M.P.

The Municipal Solicitor advises, "As to the authority for the Municipality to destroy signs that have been removed from the highway, the legislation clearly prevents the sign owner from claiming compensation for the destruction and raises the inference that the Municipality has no obligation to retain the signs."

As mentioned earlier in this report, the removal and disposal of illegal signs is an on-going program and since it serves a worthwhile purpose it is staff's intention that it be continued.

On responding to the question of issuing a copy of our bylaws with each business license we would advise that it is not our intention to do so. Our experience has shown that if a sign is removed some months after the issuance of a notice, the business will deny having received one. This was never a valid denial when we hand delivered notices, as we were able to produce a carbon copy of the original notice giving the address and when it was delivered. To avoid future complaints related to the removal and disposal of illegal signs, we will be reinstating our previous practice of hand delivering notices at least forty-eight (48) hours before taking action. To further supplement the above, a notice will be placed in the 1985 May issue of "Information Burnaby."

The above subject has been discussed with Mr. Beazley.


DIRECTOR ENGINEERING

HB:cf

cc: () Traffic Supervisor



THE CORPORATION
OF THE DISTRICT OF

BURNABY

4949 Canada Way, Burnaby, B.C. V5G 1M2

Engineering Department

Telephone (604) 294-7460

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The sign you have placed within the municipal street allowance
in front of _____

is in violation of the Burnaby Street and Traffic By-Law No. 4299,
Section 24.(1) which 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."

"Burnaby Sign By-Law 1972" prohibits the displaying of portable signs on private property (except those permitted in Schedule No. 1 of this by-law). Information about "Burnaby Sign By-Law 1972", as applicable to your location, is available by contacting Mr. John Munro of the Planning & Building Inspection Department at 294-7435.

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.

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

by: 
H. Bacon

TRAFFIC SUPERVISOR

DE:sp
Fm.3664

Note: _____

This form is prepared in duplicate

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