



Item
Meeting 2021 July 15

COMMITTEE REPORT

TO: CHAIR AND MEMBERS
EXECUTIVE COMMITTEE OF COUNCIL

DATE: 2021 June 30

FROM: CHIEF ELECTION OFFICER
DIRECTOR ENGINEERING

SUBJECT: SIGN BYLAW VIOLATIONS DURING 2021 CITY OF BURNABY BY-ELECTION

PURPOSE: To provide information on the *Sign Bylaw* violations during the 2021 City of Burnaby By-Election.

RECOMMENDATION:

1. **THAT** the Committee recommend Council receive this report for information.

REPORT

1.0 INTRODUCTION

Under the New Business portion of the 2021 June 28 Open meeting, Council requested that staff provide a report to the Executive Committee of Council on the City of Burnaby *Sign Bylaw 1972* violations during the 2021 City of Burnaby by-election. Council members expressed concerns over rigorous enforcement of the Bylaw pertaining specifically to "human billboards", also referred to as "walking signs".

2.0 POLICY SECTION

Information provided in this report is aligned with the City of Burnaby Corporate Strategic Plan, and supports the following goals and sub-goals of the Plan:

- A Connected Community
 - Geographic connection – Ensure that people can move easily through all areas of Burnaby, using any form of transportation
- A Thriving Organization
 - Organizational culture – Ensure that our core values are reflected in our policies, programs and service delivery
 - Communication – Practice open and transparent communication among staff, Council and the community

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3.0 BACKGROUND

The 2021 City of Burnaby by-election was held on 2021 June 26 to fill two Councillor vacancies. Both the *Sign Bylaw* regulations and the *Local Government Act (LGA)* provisions were enforced during the local election campaign period.

In accordance with the Bylaw, temporary political and election signs were permitted during the official campaign period, which started at 12:01 am on May 29 and ended at 8:00 pm on June 26. In addition to time restrictions, temporary political and election signs were required to meet other regulations specified in the Bylaw (general requirements, general siting and location standards, temporary political and election sign provisions, and provision for signs on public property). Generally, political and election signs are not permitted on public property in accordance with Schedule 1 of the Bylaw. The Sign defines a "Sign" as follows:

"Sign" means any structure, device, advertisement, advertising device or visual representation that is visible from any street, highway, lane or from any property other than the one on which it is located, and that is intended to advertise, identify, or communicate information or attract the attention of the public for any purpose and without limiting the generality of the foregoing includes any symbols, letters, figures, illustrations or painted forms.

The definition of the sign encompasses human billboards. As political and election signs are not generally permitted on public property, human billboards are not permitted on street corners, sidewalks and intersections within the City. Candidates may still campaign, including hand out leaflets or flyers, on street corners, sidewalks, and intersections as long as they are not in violation of any other bylaw or Provincial legislation. In accordance with the *LGA*, political and election signs are not permitted within a 100-metre zone of an active voting place. Candidates and elector organizations are required to meet additional advertising requirements under the *Local Elections Campaign Financing Act*, which is administered and enforced by Elections BC.

Candidates and elector organizations were informed of the regulations and provisions enforced by the City through several documents (including letters, information sheets and a set of Frequently Asked Questions) provided in the nomination and candidate packages. In addition and as required, Election Office and Engineering Department staff informed candidates via e-mail, phone or Zoom on regulations applicable to signs held on street, sidewalks, and intersections, use of and demonstration of City of Burnaby mapping system, and placement of signs on public property. Staff have also clarified the Bylaw enforcement process. The primary focus of all communications with candidates and their representatives and supporters was education and voluntary compliance.

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4.0 SIGN BYLAW VIOLATIONS DURING 2021 BY-ELECTION

During the 2021 City of Burnaby by-election, the number of political and election sign violation reports and violations was significantly lower compared to previous elections. In the 2021 by-election, there were a total of 22 reports and seven violations. Details on reports and violations during the by-election are provided in the table below. In the 2020 Provincial election, there were 75 violations. In the 2019 Federal by-election, there were 137 violations.

Reports and Violations of Sign Bylaw during 2021 By-Election		
Type/Location	Number of Reports	Number of Violations and Findings
Public Property	Eight	<ul style="list-style-type: none"> Four signs were in compliance with the Bylaw. Three signs were reported within the first week grace period, and no violation notices were issued. One report was made in error.
Vacant Lots	Six	<ul style="list-style-type: none"> Five signs had written permission, and were in compliance with the Bylaw. One sign was posted without owner's consent, resulting in a violation notice being issued.
Signs within 100m of a Voting Place	Four	<ul style="list-style-type: none"> Three signs were in violation of the Bylaw, resulting in violation notices being issued. One sign was reported in error.
Signs held on Street Corners, Sidewalks and Intersections	Four	<ul style="list-style-type: none"> Candidates were notified of the Bylaw regulations, and no violation notices were issued.

As noted in the table, only four reports (18% of all reports) were in regard to signs held on street corners, sidewalks and intersections. In these cases, candidates were made aware of the Bylaw regulations and no violation notices were issued. These violations were reported by a third-party through social media.

5.0 SIGN BYLAW AMENDMENTS

The most recent amendments to the *Sign Bylaw* were approved by Council at its 2019 September 09 meeting to encourage compliance with the *Sign Bylaw*, reduce resident complaints, and decrease the City's operational burden for enforcement during election and referenda periods. The then-proposed bylaw requirements, authorities and penalties were intended to further encourage compliance when voluntary compliance is not achieved. Based on the 2021 City of Burnaby by-election, 2020 Provincial election, and

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2019 Federal by-election, the noted objectives are being met with minimal complaints from residents or the need for significant enforcement or issuance of violation notices. There has been a substantial decrease in staff resource hours needed to address the issue as a result of the bylaw amendments and related education as part of election materials.

6.0 RECOMMENDATION

The City's *Sign Bylaw* is enforced during local, Provincial and Federal elections to regulate the location and duration of temporary political and election signs. In order to encourage voluntary compliance, staff inform candidates and elector organizations of the applicable regulations and seek to provide education as the primary focus. The number of reports and violations pertaining to political and elections signs has decreased during the last two years, reducing the need for enforcement. It is recommended that the Committee recommend that Council receive this report for information.



Nikolina Vracar
CHIEF ELECTION OFFICER



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Copied to: Acting City Manager
Director Corporate Services
Director Public Safety and Community Services
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