
TO: ACTING CITY MANAGER **DATE:** 2021 August 16

FROM: DIRECTOR ENGINEERING **FILE:** 42000-20
CHIEF ELECTION OFFICER

SUBJECT: SIGN BYLAW AMENDMENT – HANDHELD ELECTION SIGNS

PURPOSE: To amend the *Burnaby Sign Bylaw 1972* to permit the safe use of handheld election signs on City sidewalks.

RECOMMENDATION:

1. **THAT** Council authorize the City Solicitor to bring forward the amendments to the *Burnaby Sign Bylaw 1972*, as outlined in Sections 4.0 and 5.0 of the report.

REPORT

1.0 INTRODUCTION

At its 2021 June 28 meeting, under New Business, Council requested that staff report to the Executive Committee of Council regarding infractions of the Sign Bylaw during recent 2021 City of Burnaby by-election. At its 2021 July 26 meeting, Council received “Sign Bylaw Violations during 2021 City of Burnaby By-Election” Committee report. Upon further discussion of the Committee report, Council directed staff to report back to the Executive Committee regarding an amendment to the Bylaw to permit use of handheld signs during election and by-election campaign periods. Council noted that handheld signs inform electors and raise awareness of an upcoming election, and that Bylaw should be amended prior to the anticipated Federal Government election to permit use of the signs during election campaign periods. On 2021 August 15, it was announced that the Federal election will be held on 2021 September 20. As a result, the Chair of the Executive Committee of Council has confirmed that the follow-up report may be brought forward to Council directly to advance Bylaw amendments.

This report outlines proposed amendments to the *Burnaby Sign Bylaw 1972* to permit the use of handheld election signs on public sidewalks during Federal, Provincial and local election campaign periods.

2.0 POLICY SECTION

The proposed amendments to the *Burnaby Sign Bylaw 1972* are aligned with the City of Burnaby’s Corporate Strategic Plan by supporting the following goals and sub-goals of the Plan:

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- A Safe Community
 - Transportation safety – Make City streets, pathways, trails and sidewalks safer
- A Thriving Organization
 - Financial viability – Maintain a financially sustainable City for the provision, renewal and enhancement of City services, facilities and assets
 - Communication – Practice open and transparent communication among staff, Council and the community

3.0 BACKGROUND

The *Sign Bylaw* was last amended in 2019 in response to violations regarding the placement, use and removal of elections signs. These violations were recognized through increased public complaints and impact to community aesthetic resulting in need for extensive staffing resources. Since the 2019 Bylaw amendments, the City has recorded consistent and significant reductions in violations and enforcement.

During the 2021 local by-election held on 2021 June 26, concerns were raised regarding the interpretation of the *Burnaby Sign Bylaw* pertaining to the use of handheld election signs on public sidewalks. Staff have advised that based on the definition of “Sign” and other provisions in the Bylaw, handheld signs are not permitted on public property. During the by-election, staff received four reports regarding handheld election signs on public property, and followed-up with candidates regarding the Bylaw regulations, without issuing violation notices.

In response to Council’s direction and comments, staff are recommending the Bylaw amendments outlined in this report to accommodate the use of handheld signs on City sidewalks during Federal, Provincial and local elections.

4.0 USE OF HANDHELD ELECTION SIGNS ON PUBLIC SIDEWALKS

Staff recommend that Bylaw amendments permit candidates and their campaign team (campaigners) to hold election signs on City sidewalks during election campaign periods.

The following permissions and restrictions are proposed:

- Handheld election signs are permitted on public sidewalks only during election campaign periods, as defined in the applicable election legislation.
- Election signs displayed on public roadways must be handheld and not placed on the ground or structure on the sidewalk.
- In order to prevent the visibility or lines of sight for vehicles, cyclists, pedestrians, and other modes at roadway intersections from being obstructed:

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- Handheld signs must be no larger than 0.46 metres (18 inches) x 0.61 metres (24 inches). This is a common election sign size, and is recommended in consideration of multiple individuals potentially holding election signs in the same area.
- Campaigners with handheld election signs must not be:
 - within 6.10 metres (20 feet) of the edge of the roadway of any intersecting street;
 - within 6.10 metres (20 feet) of any flashing beacon, stop-sign or traffic-control signal located at the side of a roadway;
 - within 6.10 metres (20 feet) of a crosswalk;
 - within 15.24 metres (50 feet) of the nearest track of a railway crossing; or
 - adjacent to a bus stop.
- In order to ensure campaigners with handheld signs do not obstruct access for pedestrians, cyclists and others using a sidewalk:
 - Campaigners must not obstruct ramps, street crossings, crosswalks and other portions of a sidewalk providing access for pedestrians, bicycles, scooters, handcarts, and other transport modes on sidewalks.
 - Campaigning with handheld signs is not permitted on multi-use paths such as urban trails or cycling pathways.
- In order to ensure the safety of campaigners and vehicular traffic:
 - Handheld election signs and/or individuals holding election signs must be on the sidewalk, and do not extend into the adjacent travel lane of the roadway.
 - Campaigning with handheld signs is permitted only on sidewalks, and is not permitted in crosswalks or while crossing streets or on intersection corners.

5.0 PROPOSED BYLAW AMENDMENTS

In order to implement the permissions and restrictions outlined in Section 4.0, the following amendments to *Burnaby Sign Bylaw 1972* are proposed:

Section 2 – add the following definition for “handheld election sign”:

“Handheld Election Sign” means an election temporary sign physically held by a candidate or supporter of a candidate in a Federal, Provincial or local election

Schedule I – add the following as subsection 9A to permit handheld election signs on City sidewalks, subject to the listed restrictions:

- (9A) Handheld election signs on City sidewalks during a campaign period, provided that:
 - (i) the signs are held by hand and not placed on the ground or structure on the sidewalk;
 - (ii) the outer dimensions of the signs are no more than 0.46 metres (18 inches) x 0.61 metres (24 inches);
 - (iii) individuals holding the signs are not:
 - (A) within 6.10 metres (20 feet) of the edge of the roadway of any intersecting street;
 - (B) within 6.10 metres (20 feet) of any flashing beacon, stop-sign or traffic-control signal located at the side of a roadway;
 - (C) within 6.10 metres (20 feet) of a crosswalk;
 - (D) within 15.24 metres (50 feet) of the nearest track of a railway crossing;
 - (E) adjacent to a bus stop; or
 - (F) on a crosswalk, intersection corner, multi-use or bicycle path or travel lane of a street; and
 - (iv) individuals holding the signs must not obstruct ramps, street crossings, crosswalks and other portions of a sidewalk providing access for pedestrians, bicycles, scooters, handcarts and other transport modes permitted on sidewalks.

6.0 RECOMMENDATION

The recommended amendments to *Burnaby Sign Bylaw 1972* are proposed to permit the use of handheld election signs while upholding the objectives of the 2019 amendments to the Bylaw. The City's enforcement approach will continue to prioritize voluntary compliance with Bylaw requirements, with authorities and penalties being used to further encourage compliance when voluntary compliance is not achieved. In recognition of the importance of handheld signs for election campaigning purposes, staff will exercise

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discretion in enforcement of the Sign Bylaw pertaining to handheld election signs during the 2021 Federal election campaign period. Staff recommends that Council authorize the City Solicitor to bring forward the amendments to the *Burnaby Sign Bylaw 1972*, as outlined in Sections 4.0 and 5.0 of the report. The amendment bylaw appears elsewhere on the Council agenda.



for
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CHIEF ELECTION OFFICER

ALC/ac

Copied to: Director Corporate Services
Director Finance
Director Planning and Building
Director Public Safety and Community Services
City Solicitor
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