

DATE OF MEETING MAY 27, 2024

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT POLITICAL SIGNAGE REGULATION AMENDMENT BYLAW

OVERVIEW

Purpose of Report

To present a housekeeping amendment to the Political Signage Regulation Bylaw to clarify that regulations associated with political signage within Provincial highway rights of way are governed by the Ministry of Transportation and Infrastructure.

Recommendation

That:

1. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" (a bylaw to amend the provision associated with political signage in Provincial highway rights of way) pass first reading.
2. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" pass second reading.
3. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" pass third reading.

BACKGROUND

In 2021, Council requested an overview of how political signage was regulated and how it could be streamlined going forward prior to the October 2022 local government election as there were three different bylaws that regulated signs within the City of Nanaimo.

As part of the review, Council asked staff to explore regulatory options and implications associated with limiting the number of signs per candidate, the location of signs, size of signs, and timing as to when signs should be erected prior to an electoral event and when they should be removed. Staff presented its findings to the Governance and Priorities meeting on 2021-SEP-27 and some of the following key provisions were incorporated into a new Political Signage Regulation Bylaw which was adopted by Council on 21-NOV-15:

- Political signage to be permitted on public or private property 30 days prior to an election or referendum; removal of the signs must be the next working day following the electoral event.
- No limits placed on the number of signs per candidate.
- Requirement that signs not be unsightly, illuminated, not placed on roof tops, and not placed in a manner that may constitute a hazard to pedestrians, cyclists, or vehicles
- Political billboard signs are prohibited.
- Retaining the existing maximum size of Political Signs at 0.6m² (6.5 ft²) on City owned public property and 0.4m² (4 ft.²) for private property.
- Signs within Provincial rights of way are governed by the Ministry through its Election and Referendum Signs and Poster Policy T-03/08.

For ease, Staff framed the bylaw into categories so that one could easily see at a glance what the regulations are for placement of political signs on private property and signs placed on City owned public property.

While signage in Provincial rights of way are governed by the Ministry of Transportation and Infrastructure, each election, staff receive many inquiries about the rules associated with placement signs within those rights of way. Therefore, for convenience, staff added a reference section in the City's bylaw that points to the Ministry of Transportation and Highways Election and Referendum Signs and Poster Policy.

Unfortunately, staff inadvertently used the words "in addition to the provisions contained within the Bylaw" prior to referencing the Ministry policy in the section for provincial rights of way. In doing so, this phrase ties the sign size regulations of 0.6m² (6.5 ft²) to that section of the Bylaw and as the Provincial policy is silent on the size of political signs within their rights of way, local regulations cannot override that policy. To rectify this, section 5.1 of the bylaw need to be to be amended as follows so there is clarity for the candidates running in the upcoming Provincial election.

5. Placement within Provincial Rights of Way

- 5.1 ~~In addition to the provisions contained within this Bylaw, Political Signage placed within Provincial highway rights of way (as outlined on Schedule "A" to this bylaw) must also adhere to~~ **is governed through** the Ministry of Transportation and Infrastructure. ~~Election and Referendum Signs and Poster Policy regulations.~~

The bylaw amendment before Council incorporates this change (see Attachment 1).

As an aside, even though the Ministry does not cite specific size regulations within its Election and Referendum Signs and Poster Policy, candidates should be aware that signs over 4' x 4' (120 cm x 120 cm) would need to be approved by the Ministry and installed according to the Ministry's Signing and Pavement Marking Manual, the Standard Specifications for Highway Construction Regarding Sign Structure, and the Ministry's BC Supplement to Transportation Association of Canada Geometric Design Guide. Given these extra requirements, Staff removed reference to the Ministry's policy in the bylaw and instead changed it to read that it is the Ministry of Transportation and Infrastructure that governs signs their rights of way. In terms of signs under 4'x4', Ministry representatives conveyed that they are not too concerned unless placement is a hazard to motorists.

The City does not enforce signs within the Province's rights of way; however, the City does have an agreement in place that authorizes the City to remove unauthorized or hazardous signs on behalf of the Ministry at their request.

OPTIONS

Option 1

That:

1. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" (a bylaw to amend the provision associated with political signage in Provincial highway rights of way) pass first reading.
2. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" pass second reading.
3. "Political Signage Regulation Amendment Bylaw 2024 No. 7335.01" pass third reading.
 - The amendment before Council is necessary to clarify that placement of political signage within Provincial rights of way is governed by the Province.

SUMMARY POINTS

- A bylaw amendment to section 5.1 is required to clarify that the City's regulations regarding size of signs is not applicable within Provincial rights of way.

Attachment 1 – B7355.01 – Political Signage Regulation Amendment Bylaw

Submitted by:

Karen Robertson,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie,
Director of Legislative Services

Dale Lindsay, CAO