

# DECISION/DIRECTION NOTE

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**Title:** New Sign By-Law

**Date Prepared:** September 23, 2020

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Sandy Hickman, Transportation & Regulatory Services

**Ward:** N/A

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## **Decision/Direction Required:**

To decide whether to enact the new Sign By-Law which incorporates the recommendations made in Council Directive CD# S2019-06-04/1 and includes other updates that better reflect current practices

## **Discussion – Background and Current Status:**

In June 2019, Council reviewed recommendations by the Legal Department concerning amending the Sign By-Law to address issues related to illegal signs. Council agreed to the following changes:

1. Amend the Sign By-Law to:
  - Prohibit the placing of a sign on a utility pole, except on the sleeved utility poles in the downtown;
  - Include regulations about “third party signs” in order to create a category for smaller signs advertising offsite products and services;
  - Remove the time limit of 12 consecutive months on a real estate sign to allow for real estate developments to continue to advertise, while still requiring the signs be kept in good repair;
  - Prohibit signs on City owned property, except as permitted by Council;
  - State that a permit is not required for an election sign;
  - Empower the City to remove any illegal sign without notice and at the expense of the owner (where appropriate);
2. Amend the Heritage Area Sign By-Law to:
  - Prohibit signs on City owned property within a Heritage Area, except where permitted by Council;
  - State that a permit is not required for an election sign;
  - Empower the City to remove any illegal sign and at the expense of the owner (where appropriate);

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3. Amend all 3 signage by-laws to:

- Create a single comprehensive by-law that covers matters related to signage
- Continue to remove signs that interfere with utility poles or with traffic control devices in accordance with current practices.

The Legal Department has drafted a new, comprehensive Sign By-Law that incorporates the above recommendations. This By-Law combines the provisions of the Sign By-Law with those of the Heritage Area Sign By-Law and the Mobile Sign By-Law. Changes were made to remove duplication, improve clarity, and ensure consistency. As part of the drafting process the Legal Department also worked with Regulatory Services to remove any outdated/unnecessary provisions and add new provisions to better reflect current practices. Four notable changes have been made:

1. The definition of mobile sign was expanded to include empty frames

- This prevents mobile sign owners from leaving up metal sign frames that have no advertising inside.

2. Exempting non-illuminated signs within a building

- This exemption means that a permit will not be required for a non-illuminated sign within a building.

3. The restriction for signs located at a designated heritage building has been expanded to capture all signs

- Previously, this restriction only applied to mobile signs. This change means that unless approved by Council, no signs are permitted at a designated heritage building.

4. Clarify that the inspector may determine the appropriate illumination level of a changeable message sign up to a maximum of 1,500 lumens

- Previously the By-law only stated the maximum lumen level as 1,500; the proposed change will clarify that an inspector can require a lower lumen level should this be appropriate in the circumstances.
- The implementation of daily operational time limits for changeable message signs was also discussed with Regulatory Services. It is not recommended that time limits be instituted in the By-law as such limits would be difficult for sign operators to comply with and would diminish advertising potential. The proposed change addresses brightness concerns and the existing section 14(1)(i) allows inspectors to require changeable message signs "meet any additional requirements that the inspector, at their sole discretion, deems appropriate."

**Key Considerations/Implications:**

1. Budget/Financial Implications:

- The City continues to incur expenses associated with removing signs on utility poles. The By-Law amendments will make it clear that putting such signs on utility poles is prohibited, except paper signs on City-installed poster sleeves.

2. Partners or Other Stakeholders:

- The general public
- Regulatory Services
- In relation to signs on utility poles, stakeholders include NL Power and Rogers Communications

3. Alignment with Strategic Directions/Adopted Plans:

- Effective City – Work with our employees to improve organizational performance through effective processes and policies – By creating a single, comprehensive By-law that clarifies prohibitions and when/where to conduct sign removal operations
- Sustainable City – Plan for land use and preservation and enhance natural and built environment – By reducing litter associated with illegal signs
- A City that moves – improve safety for all users on a well-maintained street network – By removing signs that interfere with traffic sight lines

4. Legal or Policy Implications:

- Amending the By-Law will improve clarity on restrictions and the penalties/process to follow if the By-law is violated.

5. Privacy Implications:

- N/A

6. Engagement and Communications Considerations:

- Amendments to the By-Law will have to be advertised and published in the Gazette in order to be legally in effect.
- Communications may have a role in raising awareness about the Sign By-Law, the prohibition on signs placed on utility poles, and the sleeved poles in the downtown where signs are permitted.

7. Human Resource Implications:

- N/A

8. Procurement Implications:

- N/A

9. Information Technology Implications:

- The amended By-Law will need to be updated on the City's website.

10. Other Implications:

- N/A

**Recommendation:**

That Council enact the new Sign By-Law.

**Prepared by: Katie Philpott**

**Approved by: Cheryl Mullett**

**Report Approval Details**

Document Title:	New Sign By-Law.docx
Attachments:	- Sign_Bylaw.pdf
Final Approval Date:	Sep 24, 2020

This report and all of its attachments were approved and signed as outlined below:

**Cheryl Mullett - Sep 24, 2020 - 4:25 PM**