

## UPDATING THE TEMPORARY SIGNS ON HIGHWAYS BYLAW

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### EXECUTIVE SUMMARY

The Temporary Signs on Highways Bylaw (29M97) which governs the use of temporary signs in the roads right of way (RROW) has been in effect for twenty years without significant revision. The bylaw has served The City of Calgary and its customers well, and the review determined that most of the current rules should be maintained. However, there are sections that need to be updated to better reflect the growth of the city and the increased focus on the public and pedestrian realms.

Stakeholder engagement and public input into these recommendations was extensive, including an online survey that more than 6,700 people participated in, and shared over 36,000 comments. While not a top of mind issue for most Calgarians, the majority of survey participants believe that there are too many signs, and they are distracting and unattractive. However, they also feel that their use is important for community groups. Community groups and businesses agree that temporary signs are cost-effective and efficient, and expressed concerns if their use of these signs was further restricted or banned.

The proposed revisions reinforce The City's commitment to safety by controlling sign height and spacing to improve sightlines for users of the roadway, while maintaining a ban on signs that would obstruct movement on sidewalks. The list of highways that prohibit temporary signs will be updated according to established criteria, including roads with a posted speed limit greater than 60 km/h. Temporary signs will also be prohibited in playground zones, and only signs that have been given permission and are safely secured may be used over roads.

The larger signs used by community associations, charities, not-for-profit organizations and institutions will continue to be supported but in a more efficient and timely manner. While the new process will charge a permit fee, it comes with less red tape and reduced times and labour costs associated with the current application process, and will have little impact on the overall advertising costs to the not-for-profit customers.

Many other 'best practices' were identified during the municipal review and stakeholder engagement, and have been addressed in the final recommendations. These updates to the Temporary Signs on Highways Bylaw address both safety and aesthetics, promote responsible use, and are intended to reduce the amount of signs currently seen at the side of the road.

### ADMINISTRATION RECOMMENDATION(S)

That the Standing Policy Committee on Transportation and Transit recommends that Council:

1. Give three readings to the proposed bylaw to amend the Temporary Signs on Highways Bylaw 29M97 (Attachment 3), and;
2. Rescind Council's Temporary Signs on Highways Policy (CSPS030)

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### RECOMMENDATIONS OF THE SPC ON TRANSPORTATION AND TRANSIT, DATED 2017 MAY 17:

That Council:

1. Give three readings to proposed **Bylaw 28M2017** to amend the Temporary Signs on Highways Bylaw 29M97 (Attachment 3), and;
2. Rescind Council's Temporary Signs on Highways Policy (CSPS030)

### PREVIOUS COUNCIL DIRECTION / POLICY

On 1997 July 28, Council adopted a policy on Temporary Signs on Highways (CSPS030) that outlined the purpose of having a bylaw to regulate all signage matters within the road rights of way. This policy also identified that Calgary Bylaw 29M97 was developed to meet the ruling of the Supreme Court of Canada that the placing of temporary signs on municipal property may be regulated and controlled but not totally prohibited.

### BACKGROUND

Administration initiated the review and update of the Temporary Signs on Highways Bylaw to ensure proper accountability, transparency and good governance in this legislation, and the supporting processes, as it had not been updated in almost 20 years.

### INVESTIGATION: ALTERNATIVES AND ANALYSIS

When compared to other jurisdictions, Calgary's approach to regulating temporary signs in the RROW is permissive and weighted in favour of responsible sign use. Most users of signs have some opportunity to place signs in the RROW whether they be a resident, business, not-for-profit or community organization. Permits are not required for the smaller signs or posters, as long as the bylaw rules are followed.

This is not the case in other Canadian cities and where some sign classes have been banned on public lands, relegated to private property or have been restricted from use by requirement for permits. However, the 'ban' on signs has not resulted in a disappearance of signs from the RROW in those municipalities – as the customer demand for cost-effective advertising is still high. Highly restrictive rules can place the business community into an adversarial role with a city – where they may knowingly break the law, as a cost of doing business.

However, a number of key sign control components were identified from other cities that should be considered for Calgary. These recommended changes fall into one of four themes of improvement:

#### Safety

There is no question that signs can impair visibility and sightlines in and along the roadway. Reasonable restrictions as to location and size, and other requirements within a bylaw that support these guidelines are defensible and easily understood. Currently, these include minimum required distances from intersections, curbs and crosswalks.

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### **Playground Zones**

Similar to crosswalk areas, many municipalities have placed restrictions on signs in these areas due to the volume of both vulnerable pedestrians and vehicular traffic. Of particular concern is the maintenance of driver attention through these areas, as there is potential for unexpected actions such as students wandering or bolting into the path of vehicles. Signs placed in these areas may also impede or disrupt pedestrian traffic, especially in areas where the loading and unloading of students takes place. It is recommended that this municipal 'best practice' be adopted in Calgary, and prohibit the placement of signs in these zones.

### **Prohibited Highways**

The criteria used to designate the list of prohibited highways are still valid and include: Roads with a posted speed limit above 60 km/h; roads with limited opportunities to safely stop and pull over; and high volume traffic areas, which also make pulling over and stopping a safety hazard. Using the established criteria, The City has identified 10 new road sections that would be added to the list of prohibited roadways, including sections of Bow Bottom Trail, Airport Trail, and Metis Trail. To ensure future updates can be made in a timely manner, the list of Prohibited Highways will be removed from the text of the bylaw. The Traffic Engineer will be empowered to designate prohibited roads in accordance with policy, and a list and map will be maintained on The City's website.

### **Signs over Roadways**

The bylaw authorizes the use of signs, such as banners, to be secured to elevated structures such as overpasses or pedestrian walkways that are above the road. A permit is required, which ensures the specific size, design and installation requirements are followed for safety reasons. While not a regular occurrence, the holding of signs (including banners) from overpasses has resulted in concerns about the risks this behaviour poses to both the people holding signs and the people below. An amendment is recommended to prohibit this behaviour, ensuring that only signs that have been given permission to be properly secured may be used in these spaces.

## **Standards**

### **Sign Height**

The municipal review identified a lack of sign design requirements in Calgary's bylaw which address sign height from the ground. At present, sign size is regulated only by maximum area of the face of the sign. This has resulted in some innovative sign designs which comply with the maximum sign face size of 0.6m<sup>2</sup> (2'x3'), but are raised on extended legs to reach heights of up to 2 metres. Establishing maximum heights for all sign types addresses sightline issues, and helps to prioritize community messaging as these signs may be larger and taller than commercial advertising signs.

### **Length of Time**

Under Calgary's bylaw, most signs may remain on view in the RROW for up to 14 days, establishing their temporary nature. This is similar to other municipal bylaws. However, the inclusion of Community Identification Signs in the bylaw was identified as an issue to be resolved, as they are not mobile or temporary, but rather constructed as permanent structures in the RROW. Since 1997, two other bylaws in The City have been created or amended that authorize and support the permitting of these types of signs: The Sign Licensing Bylaw

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(23M2001) and the Real Property Bylaw (52M2009). The Community Identification Sign section in the Temporary Signs bylaw is redundant, and should be removed. This ensures that all signs regulated in this bylaw are of a temporary nature.

Unlike other municipalities, the current bylaw does not have a 'start date' for the election period. During an election period, some of the placement rules for election signs on RROW are relaxed, allowing them to stay up longer, and be larger than the regular temporary signs. Having these rules are necessary to help candidates and their volunteer staff to plan for and properly conduct their sign campaigns on public property. Official campaign start times are available for municipal, provincial and federal elections and should be included to address this gap. It is also recommended to extend the timeline for removal of the election signs from 36 hours to 72 hours after the close of polls. Given that political campaign staff are mostly volunteers, the increased time is more realistic and typical of other municipalities. This may help to improve compliance, which reduces the number of complaints and better manages the expectation for the removal of these signs.

### **Proliferation**

Other jurisdictions have addressed sign proliferation, or too many signs in a single area, by including minimum distance requirements between signs placed in the RROW, whether they are large or small format. Stakeholder engagement with industry and sign users also suggested that establishing a minimum distance between signs could help control and decrease overall sign numbers. A 20 metre separation will be required between signs from the same owner, business or campaign. These distances are realistic, simple to measure, and should encourage voluntary compliance.

### **Process**

Community groups will continue to have permission to advertise with the larger Mobile Community Signs, including Community Associations, charities, not-for-profit amateur sports organizations, schools, elected officials and registered not-for-profit organizations of all sorts. These larger format signs are not available for purely commercial advertising. Preference has been established to better support the needs of these community groups to inform residents of the recreation, sports, arts, cultural, social and educational opportunities that are available. These programs enrich and strengthen our neighbourhoods, and support Calgary's reputation as a vibrant, caring and liveable city.

Permits are required for groups to use Mobile Community Signs. Stakeholders that provide or use these larger signs suggested that improvements are needed to streamline and speed up the approval process. Currently, this process is conducted through email, and does take time given that each location is reviewed on mapping systems, and some permit requests would have up to 35 locations on one request. The recommendation is to adopt an Annual Permit model that is already available to the construction industry. Annual permits eliminate location-by-location application and review, which reduces time and labour costs for both the applicant and Administration. An annual fee establishes value to use the RROW, and provides an incentive to follow the rules and conditions of the permit, but will have little impact on the overall advertising costs to the not-for-profit customers.

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SUMMARY OF KEY RECOMMENDATIONS			
	SAFETY	STANDARDS	PROLIFERATION
Identify Roads to be Added to Prohibited List	✓	✓	✓
Establish Maximum Sign Heights	✓	✓	
Prohibit Signs in Playground Zones	✓	✓	✓
Require Minimum Distances between Signs by Same Owner		✓	✓
Prohibit Holding Signs Above Roadways	✓		
Adopt Start Date for Election Period		✓	
Relax Time for Sign Removal after Election (to 72 hours)		✓	
Update Fine Schedule and Penalties			✓
Establish List of Mobile Community Sign Users		✓	
Remove Community Identification Signs from Bylaw		✓	
Adopt Annual Permit Model for Mobile Community Signs		✓	✓

### Stakeholder Engagement, Research and Communication

#### External Stakeholders

Engagement sessions were held with the sign companies who install the large format signs on the RROW. Feedback was also received from representatives of the primary users of temporary signs, including the Federation of Calgary Communities, Calgary YMCA, Inglewood Business Improvement District, and the Calgary Real Estate Board.

#### Public Survey

An on-line survey was conducted to gather opinions from our customers through a city wide lens. Although an online survey is not statistically valid, it did provide the opportunity to compare results to some of the previous research done on signs in Calgary. The survey was available from October 4-21, 2016. The City received a substantial response with over 6700 surveys completed, and more than 36,000 comments provided.

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In general, the majority believed that temporary signs are a *distraction to drivers*, are *unattractive*, and are *abundant*. However, they also felt they are *important for community groups*. Half of respondents said they had been called to action by a message observed on a temporary sign – they registered for a program, went to an event, or attended a meeting.

### Internal Stakeholders

Given the importance of signs to many of our internal stakeholders, we engaged a number of City of Calgary business units. The project team also identified that many of our internal stakeholders have connections with an additional groups and organizations which may be impacted by the review of the bylaw. The following business units were engaged about the survey and the project: Calgary Community Standards, Calgary Neighbourhoods, Calgary Recreation, Calgary Customer Service & Communications, Calgary Transit and Calgary Parks.

### Research

As part of the investigation into regulating signs, a series of Canadian cities were selected as a means to compare how the issues of temporary signs in the RROW has been managed. Each was chosen to gain particular insight into aspects of rules, regulations and approvals for these kinds of signs.

Municipal Review			
Vancouver	Edmonton	Red Deer	Saskatoon
Winnipeg	Toronto	Mississauga	Oakville

Public survey results from a 2011 Ipsos Reid market study and a 2011 report on temporary signs by a consultant, the Boulevard Transportation Group, were also reviewed.

### Strategic Alignment

Clear rules around the use of temporary signs helps to support civic, business and community groups to promote their services and products on public property in a responsible manner. These opportunities contribute to both economic growth and community well-being.

The efforts to have meaningful conversations with stakeholders and encourage broad public participation that contributed to this bylaw review were accomplished by following the principles of Council's Engage Policy (CS009).

Regular review of the bylaws and policies of The City helps to promote a well-run city that is accountable and transparent. Through this bylaw review, it was also determined that Council's Temporary Signs on Highways Policy (CSPS030) provides no further guidance or instruction to Administration, and should be rescinded.

### Social, Environmental, Economic (External)

This report has been reviewed for alignment with The City of Calgary's Triple Bottom Line (TBL) Policy Framework. The following implications were identified:

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Providing access for temporary signage along city roads supports the needs of community groups to inform residents of the recreation, sports, arts, cultural, social and educational opportunities that are available. These programs enrich and strengthen our neighbourhoods, and support Calgary's reputation as a vibrant and liveable city.

Temporary signs are one of the most cost-effective ways for small businesses and campaigns to attract the public's attention. Establishing clear rules on how they may be used on the right of way provides a fair and competitive environment for new and existing businesses to succeed and prosper.

The challenge is to balance these economic benefits with our responsibilities to protect open spaces from overuse, and ensure the pedestrian realm remains accessible so that people of all means can walk to get where they need to go.

### Financial Capacity

#### Current and Future Operating Budget:

The management and enforcement of temporary signs on highways is conducted within existing operating budgets for Roads and Calgary Community Standards.

#### Current and Future Capital Budget:

This report has no impact to current or future capital budgets for Roads and Calgary Community Standards.

### Risk Assessment

The recommended changes to the Temporary Signs on Highways Bylaw are aligned with best practices found elsewhere, and address community concerns of safety and accessibility. However, the rules will still support the responsible use of temporary signs, which many residents feel are unattractive and too numerous. With complaint numbers averaging more than 4,000 per year, citizens have expectations that non-compliant signs will be removed. The enforcement strategy will need to provide an efficient and consistent approach to these sign complaints, using existing resources, to reinforce public confidence in The City's response.

Community Associations and not-for-profit organizations have expressed the importance of having access to the larger Mobile Community Signs. They are a cost-effective way to communicate with residents about activities and opportunities. As the City increases in density and looks to use and design the green space around roadways more efficiently, there will likely be a reduction in available physical space for these large signs. This may affect how community groups will be able to communicate with residents in more developed areas.

#### REASON(S) FOR RECOMMENDATION(S):

The Temporary Signs on Highways Bylaw (29M97) which governs the use of temporary signs in the roads right of way (RROW) has been in effect for twenty years without significant revision. Administration ensured that key stakeholders and the general public were informed and engaged in contributing their ideas and opinions into the review of The City's approach to regulate these roadside signs. The recommended updates provide opportunity for residents, businesses and community groups to use temporary signs in a responsible manner. The updates also address concerns about safety and aesthetics of public and pedestrian spaces.

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**ATTACHMENT(S)**

1. Report – Updating Calgary's Temporary Signs on Highways Bylaw
2. Stakeholder Engagement - What We Heard report
3. **Proposed Bylaw 28M2017**
4. Excerpts from the Temporary Signs on Highways Bylaw showing proposed changes
5. Temporary Signs on Highways Policy (CSPS030)
6. Temporary Signs on Highways Bylaw 29M97 (Current Version)