Agenda - Council - March 26, 2003

Report - Standing Policy Committee on Public Works - March 11, 2003

Item No. 3 Temporary Signs in Public Rights of Way
File SC-3.1 (Vol. 4)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee amended the recommendation of the Standing Policy Committee on Public Works, and submits the following to Council:

1. That "the Temporary Street Signs By-law" be adopted and come into force and effect as of May 1, 2003.

2. That the By-law be reviewed in 12 months by the Standing Policy Committee on Public Works.

3. That St. Anne's Road (Fermor Avenue to St. Mary's Road) and St. Mary's Road (St. Anne's Road to Queen Elizabeth Way) be added as part of the Trans-Canada Highway image route.

4. That Corydon Avenue, Roblin Boulevard and Grant Avenue between Shaftesbury Boulevard and the West City Limit be designated as an "Image Route" and be added to Appendix "A" of The Temporary Street Signs By-law.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the foregoing and submit same directly to Council for approval.

6. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

STANDING COMMITTEE RECOMMENDATION:

On March 11, 2003, the Standing Policy Committee on Public Works concurred in the administrative recommendation as amended and recommends to Council:

1. That "the Temporary Street Signs By-law" be adopted and come into force and effect as of May 1, 2003.

2. That the By-law be reviewed in 12 months by the Standing Policy Committee on Public Works.

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STANDING COMMITTEE RECOMMENDATION (continued):

3. That St. Anne's Road (Fermor Avenue to St. Mary's Road) and St. Mary's Road (St. Anne's Road to Queen Elizabeth Way) be added as part of the Trans-Canada Highway image route.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the foregoing and submit same directly to Council for approval.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Agenda - Council - March 26, 2003

Report - Standing Policy Committee on Public Works - March 11, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee amended the recommendation of the Standing Policy Committee on Public Works, by adding the following Recommendation as number 4 and renumbering the remaining Recommendations, namely:

"4. That Corydon Avenue, Roblin Boulevard and Grant Avenue between Shaftesbury Boulevard and the West City Limit be designated as an "Image Route" and be added to Appendix "A" of The Temporary Street Signs By-law."

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 11, 2003, the Standing Policy Committee on Public Works concurred in the administrative recommendations, as amended, namely:

- That "the Temporary Street Signs By-law" be adopted and come into force and effect as of May 1, 2003.
- That the By-law be reviewed in 12 months by the Standing Policy Committee on Public Works.
- That St. Anne's Road (Fermor Avenue to St. Mary's Road) and St. Mary's Road (St. Anne's Road to Queen Elizabeth Way) be added as part of the Trans-Canada Highway image route.
- That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the foregoing and submit same directly to Council for approval.
- That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

and submitted its recommendation to Executive Policy Committee and Council.

On February 11, 2003, the Committee laid consideration of the matter over to the meeting of the Committee scheduled for March 11, 2003.

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DECISION MAKING HISTORY (continued)

On January 13, 2003, the Committee laid consideration of the matter over to the meeting of the Committee scheduled for February 11, 2003.

On December 10, 2002, the Committee directed that the Administration report back to the meeting scheduled for January 13, 2003.

On June 25, 2002, the Committee moved the following motion, namely:

1. That the matter be referred to all Community Committees for review and comment back directly to the Administration, including suggested changes to the proposed by-law.
2. That the Administration be directed to prepare a draft by-law to come into effect January 1, 2003, imposing reasonable regulations that could include the following:
    a. no signs be permitted on traffic islands or medians.
    b. no sign be allowed to block any traffic control sign.
    c. maximum size and height restrictions be specified.
    d. they not be within a specified distance from an intersection.
    e. they not be within a specified distance from the traveled portion of the street.
    f. they be removed within a specified period of time.
    g. the owners name, address and phone number be printed on the sign.
    h. any sign not complying with the bylaw be dealt with as a nuisance and may be removed immediately.
    i. any permitted temporary sign may be removed in order to allow the city to repair and maintain anything within the Right of Way. These signs would be held for a period of time to allow the owner to reclaim them, after which they would be disposed of.
    j. certain materials not be used to attach temporary signs to the boulevard.
    k. no signs be permitted on image routes.

And further that the Administration be requested to report back with a proposed by-law as soon as possible and that persons involved in the sign industry and all other interested parties be invited to participate in a public hearing.

That the three Provincial political parties be notified once the proposed by-law has been prepared.

Public Works Department

Re: TEMPORARY SIGNS IN PUBLIC RIGHTS OF WAY

For submission to: STANDING POLICY COMMITTEE ON PUBLIC WORKS

Original report signed by: J.A. Thomson, P. Eng., Director of Public Works

Report date: February 25, 2003

In Camera item: ☐ Yes ☒ No

Recommendation(s):

That this report and attached draft by-law be received as information.

Report Summary

Key Issues:

1. Temporary Signs within the Right of Way have continued to be a source of concern due to their impacts on the safety of motorists and pedestrians, the traffic hazards they create and the visual blight and clutter they cause.
2. At its last meeting the Standing Policy Committee on Public Works directed the administration to prepare and forward a draft by-law regulating signs in street rights-of-way.

Implications of the Recommendation(s):

General Implications

- ☐ None
- ☐ For the organization overall and/or for other Departments
- ☒ For the community and/or organizations external to the City of Winnipeg
- ☐ Involves a multi-year contract

Comment:

Policy Implications

- ☐ No
- ☒ Yes

Comment:

Financial Implications

☒ Within approved current and/or capital budget

☐ Current and/or capital budget adjustment required

Comment:

Report

Recommendation(s):

That this report and attached draft by-law be received as information.

It is recommended St. Annes Rd. (Fermor Ave to St. Mary's Rd.), and St Mary's Rd. (St. Annes Rd. to Queen Elizabeth Way) as part of the Trans-Canada Hwy is added as an image route.

The Standing Policy Committee on Public Works is requested to provide a date the by-law will become effective.

Reason for the Report:

At its last meeting the Standing Policy Committee on Public Works directed the administration to prepare and forward the attached draft by-law regulating signs in street rights-of-way.

History:

The by-law is based on the recommendations of the Standing Policy Committee on Public Works from the June 25, 2OO2 meeting.

Discussion:

The following comments are offered in regard to the sections of the draft by-law:

1. Section 3. This section lists the various existing by-laws regulating all types of signs, in all areas of the city, and whether on private or public property, and states that the draft by-law does not apply to signs permitted by those by-laws. This by-law would not apply to signs on private property and the Downtown area governed by by-law 4800-88.

2. Section 4. This section prohibits signs on the 25 streets listed in Appendix A to the by-law, out of approximately 3800 streets in Winnipeg. The streets were selected based on the fact that they are all major arterial roads, with an average weekday traffic count of more than 20,000 vehicles, have a speed limit of greater than 60 kph on at least a portion of the street, and are divided or one-way. Image routes, as designated by City Council, were also included.

St. Annes Rd. (Fermor Ave to St. Mary's Rd.), and St Mary's Rd. (St. Annes Rd. to Queen Elizabeth Way) are considered part of the Trans-Canada Hwy route and therefore have been added as an image route.

Given the nature of these streets, their traffic volume, speed and characteristics, it was determined that for safety reasons and/or the visual blight on image routes, it was necessary to ban all temporary signs on these streets.

3. Section 5. This section lists the general requirements for signs on streets where they are permitted.

Generally the restrictions are designed to prevent the driver's attention from being distracted, to reduce obstructions to visibility and to prevent pedestrians being obstructed.

Subsection (3) is necessary in order to prevent the most important signs, namely traffic signals and signs, from having their function being interfered with or impaired in any way.

Subsection (5) is included because temporary signs should not be hung from a tree, for example. Metal stakes and wire are not allowed as they may become projectiles if hit by maintenance equipment and they are also responsible for damaging that equipment.

Subsections (6) and (12) establish set backs from curbs and sidewalks in order to prevent distractions and to reduce obstructions to visibility and pedestrians. Boulevards are wide enough that even with these restrictions there is sufficient room to place signs.

Subsections (7) and (8) are designed to place a reasonable limit on how long these signs may be displayed as permanent signs are not allowed in the right-of-way. It should also help to prevent signs from becoming worn or damaged and thus more likely to be blown into traffic.

Subsection (11) prevents mobile signs from being in a right-of-way. Mobile signs are allowed on private property and are regulated under several by-laws listed in section 3.

Subsection (15) requires that the name and phone number of the person responsible for placing the sign, or causing it to be placed, be on the sign. As well, the date on which the sign was placed on the street must be on the sign. The purpose is to facilitate the City's ability to contact sign owners, enforce the by-law and determine the date the sign should be removed.

Subsection (18) prevents any signs being placed on medians or traffic islands due to safety and visibility concerns and as well to not impair the use of certain medians and boulevards which are designed to create an escape route for drivers.

4. Sections 6 and 7. These sections deal with the removal of signs. If a sign does not comply with the by-law it may be removed immediately and destroyed. A sign which complies with the by-law, but which needs to be removed to allow for street maintenance or repairs, will be retained for three business days and may be reclaimed within that time by the person who placed it in the street.

5. Section 8. This section modifies the display rule for garage sale signs to only allow them to be put up one day prior to the garage sale.

6. Section 9. This section modifies the display rule for election signs. It is a continuation of the provisions which were in the Winnipeg Zoning By-law No. 6400/94.

7. Sections 11 and 12. These are consequential amendments to three other city by-laws in order to have consistency and to eliminate potential conflicts between by-laws.

8. Section 13. The by-law would come into force on (to be specified by the Standing Policy Committee on Public Works) in order to allow time for persons wishing to display signs governed by the by-law to become familiar with the requirements of the by-law.
9. It should be noted that the proposed by-law does not, at this time, require a permit or the payment of any fee. The reasons for this are that costs would not be reflected in a reasonable permit fee, would likely be regarded as prohibitive for most persons putting up signs, and enforcement would be impractical for existing field staff. Public Works believes that the provisions of the proposed by-law will be efficient, effective and allow for rights-of-way to be maintained appropriately.

10. A budget of $3000 will be required for printing and advertising.

11. See attached Appendix “A” for a map of the prohibited areas.

In preparing the report, there was consultation with and concurrence by:

Legal Services.

This Report Submitted by:

Department:	Public Works Department	
Division:	Engineering Division	
Prepared by:	T. Chuback & D. Buhr	Phone No: 986-3480
Processed by:	T. Chuback.....	Phone No: 986-3480
File name:	PW_TEMPSIGNS_REPORT	

Financial Impact Statement

Date: August 23,2002

Project Name:

Temporary Signs in Public Rights of Way

COMMENTS:

As recommendation for this report deals with only a change in policy, there is no financial impact.

Original Signed by D. Stewart, C.A.

Manager of Finance & Administration

Approved by Department Assistant Controller: ?

2027

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of The City of Winnipeg to regulate the placing of temporary signs within streets.

WHEREAS temporary signs within rights-of-way may impact on the safety of motorists and pedestrians, can create traffic hazards and cause visual blight and clutter;

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Title

1. This By-law shall be referred to as “the Temporary Street Signs By-law.”

Definitions

2. In this by-law:

“A-board sign” means an A-shaped sign which is set upon the ground and has no external supporting structure;

“Boulevard” means the portion of a street on either side of the street;

(a) that is adjacent to the travelled portion of the street,
(b) that is maintained for the purpose of improving the appearance or safety of the street, and
(c) that is not intended to be used to carry vehicular traffic.

“City” means The City of Winnipeg;

“Directional Sign” means:

(a) a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, historical site, or hospital;
(b) a sign or signal installed by the City which directs and regulates traffic;
(c) a sign which denotes any public or transportation facility;

“Election Sign” means any sign used to promote a candidate or party during a municipal, provincial or federal election, or any election held pursuant to The Local Authorities Election Act or The Public Schools Act but does not include identification signs reading “(name of candidate) campaign headquarters” or “(name) constituency (or other electoral area) office.” Election signs do not include identification signs reading “(name of candidate) campaign headquarters” or “(name) constituency (or other electoral area) office.”

“Garage Sale Sign” means a sign advertising the sale of personal or household goods from a residential property;

“Highway” means any place or way, including any structure forming part thereof, which or any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, with or without fee or charge therefor, and includes all the space between the boundary lines thereof; but does not include any area designed or intended, and primarily used, for the parking of vehicles and the necessary passageways thereon;

“Intersection” means the area embraced within the straight production of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one such highway crosses the other;

“Median” means the portion of a street in the centre of the street as a physical barrier or area that separates traffic travelling in one direction from traffic travelling the opposite direction on the street;

“Mobile Sign” means a sign which is mounted on a trailer, vehicle, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to another location and which may include copy that can be changed through the use of removable characters or panels;

“Sidewalk” means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that forms part of that portion of a highway that lies between the curb line or, if there is none, the lateral boundary line, of the roadway and

(a) the adjacent property lines, or
(b) the straight production of the adjacent property lines to the curb line or if there is none, to the lateral boundary line, of an intersecting highway;

“Sign” means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo or trademark), flag (including banner or pennant) or

any other figure of similar character which is used to announce, identify, direct attention to, advertise or promote anything or inform anyone and, without restricting the generality of the foregoing, includes A-board signs, election signs and garage sale signs;

"Street" includes a highway, boulevard, median, sidewalk or traffic island;

Traffic Island" means a physical barrier or strip of land which channels traffic into a specific route, or controls turns at an intersection, or provides refuge to protect and aid pedestrians crossing a street or aids in loading and unloading transit riders.

Exemptions

3. This By-law applies to all signs placed on or in a street but does not apply to:

(1) signs permitted by City of Winnipeg by-law No. 4800/88 (Downtown Zoning By-law).

(2) signs permitted by City of Winnipeg By-law No. 4555/87 (The Winnipeg Building By-law).

(3) signs permitted by City of Winnipeg By-law No. 1481/77 (the Streets By-law).

(4) signs permitted by City of Winnipeg By-law No. 692/74 (the Encroachment By-law).

(5) signs permitted by City of Winnipeg By-law No. 1076/75 (the Handbill and Poster By-law).

(6) signs permitted by City of Winnipeg By-law No. 1573/77 (the Traffic By-law).

(7) signs permitted by City of Winnipeg By-law No. 6400/94 (the Winnipeg Zoning By-law).

(8) any signs erected or placed or authorized by any federal, provincial or municipal government.

(9) Directional Signs.

<u>Prohibited Areas</u>

4. No person shall place or cause to be placed a sign in or on any of the streets or portions thereof listed in Appendix "A" to this by-law.

General Requirements

5. No person shall place or cause to be placed in or on any street a sign which:

(1) is attached to, supported by, or obstructs a Directional Sign, including the post or standard supporting the sign;
(2) is lit or electrified, flashes, spins or rotates;
(3) is within 30 metres of an intersection as measured from the nearest curb line of the intersection;
(4) is within 30 metres of a turning, deceleration, acceleration or traffic storage lane;
(5) is supported by string, rope, wire or metal stakes;
(6) is within 2 metres of a curb or edge of the travelled portion of a highway;
(7) is displayed for longer than 14 consecutive days or more than 24 hours following the day any event identified in the sign concludes, whichever is less;
(8) is permanently affixed;
(9) is greater than 0.6 square metres in size;
(10) has a height greater than 1 metre as measured from the existing grade to the top of the sign;
(11) is a Mobile Sign;
(12) is within 0.5 metres of the edge of any sidewalk;
(13) is within 5 metres of any driveway;
(14) has more than 2 faces per sign;
(15) does not display the name and phone number of the person responsible for placing the sign or causing it to be placed, and the date the sign was placed, on the face of the sign;
(16) is a hazard or dangerous to vehicular or pedestrian traffic;
(17) causes any damage to property of The City of Winnipeg;
(18) is within any median or traffic island.

Removal Of Temporary Signs

6. Any sign which does not comply with the requirements of this by-law may be removed by designated employees of the City and destroyed forthwith without notice.

7. Any sign may be removed by designated employees of the City forthwith in order to perform any maintenance or repairs in, on or under a street, without notice, but any sign so removed shall be retained for three business days by the Public Works

Department of the City and may be reclaimed within that period by the person responsible for placing the sign or causing it to be placed.

Garage Sales

8. Notwithstanding subsection 5(7) a garage sale sign shall not be displayed earlier than the day prior to the garage sale.

Election Signs

9. Notwithstanding subsection 5(7), election signs may be displayed for longer than 14 consecutive days provided that such signs are not erected or placed prior to the date notice is given of the opening of nominations and shall be removed within 7 days after the close of the polls for that election.

Offence

10. Any person who contravenes any provision of this By-law is guilty of an offence.

Consequential Amendments

11. The Handbill and Poster By-law, being By-law No. 1076/75 is amended:

(1) in Section 2 by adding the following definitions in alphabetical order:

"Directional Sign" means:

(a) a sign which directs the public to or denotes the name of any thoroughfare, route, educational institution, public building, historical site, or hospital;

(b) a sign or signal installed by the City which directs and regulates traffic;

(c) a sign which denotes any public or transportation facility;

"Poster" means a sign which is not self-supporting and is attached with its entire back surface against a pole or wall or other structure;

"Sign" means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, logo or trademark) flag (including banner or pennant) or any other figure of similar character which is used to announce, identify, direct attention to, advertise or promote anything or inform anyone.

(2) Subsections 8.1 and 8.2 are repealed and the following is substituted:

“8.1 No person shall place in any public place a poster which:

(a) is attached to a Directional Sign;
(b) is secured or supported by any means other than clear adhesive tape;
(c) is not attached with its entire back surface in contact with a pole or wall;
(d) does not display the name and phone number of the person responsible for the posting of the poster or causing it to be posted, and the date the poster was posted, on the face of the poster;
(e) is a hazard or dangerous to vehicular or pedestrian traffic;
(f) causes any damage to property of The City of Winnipeg;
(g) is within any median or traffic island;
(h) is displayed for longer than 14 consecutive days or more than 24 hours following the day any event named in the sign concludes, whichever is less;
(i) is permanently affixed;

8.2 Notwithstanding clauses (b) and (c) of Subsection 8.1, posters, notices and signs may be placed:

(a) upon a notice board or within a poster area located within a building which is owned or under the control of the City where the notice board or poster area has been designated in writing for such purpose by the department head having authority over the building and the posting or placement in compliance with Schedule “A” thereto.
b) upon an outdoor notice board or kiosk designated in writing for such purpose by the Chief Administrative Officer.

8.3 his by-law does not apply to:

(a) the existence or mounting of banners, flags, signs or other devices by any government authority or crown corporation upon its own utility poles where the mounting of the banners, flags, signs or devices has been approved pursuant to Schedule “G” of The City of Winnipeg Streets By-law.

b) The existence or placement of advertising on transit passenger shelters and benches pursuant to agreements with the City for the design, manufacture, installation and maintenance of the said transit passenger shelters and benches; or

(c) Notices, posters, signs or other papers or devices authorized or required by law.

12. The Streets By-law, being By-law No. 1481/77 is amended:

(1) by repealing subsection 4.04(a) and substituting the following::

"4.04(a) No person shall suspend, fasten or place any poster or sign as defined in By- law No.1076/75 (the Handbill and Poster By-law) in, on or over a street, traffic control device or structure except as hereinafter provided."

(2) by repealing clause 4.04(b)(i) and (ii) and substituting the following:

(b)(i) The placing of any poster as permitted by By-law No. 1076/75 (the Handbill and Poster By-law);

(ii) The placing of temporary signs as permitted by By-law No. _____ (the Temporary Street Signs By-law); and

(3) by repealing Schedule "F".

13. TheWinnipeg Zoning By-law being By-law No. 6400/94 is amended by repealing subsection 1212(4).

14. The Boulevard Maintenance By-law, being By-law No. 5895/92, is amended by repealing Section 10.

Effective Date

15. This By-law shall come into force and effect as of , 2003.

DONE AND PASSED in Council assembled, this day of A.D. 2003.

Mayor

City Clerk

Certified as to form:

City Solicitor/
Manager of Legal Services

APPENDIX “A” to BY-LAW _____ The Temporary Street Signs By-law.

STREETS	BETWEEN
Bishop Grandin Boulevard	Kenaston Boulevard and Lagimodiere Boulevard
Bison Drive	Waverley Street and Pembina Highway
Brookside Boulevard / Oak Point Highway / King Edward Street / Century Street / St. James Bridge /	
Kenaston Boulevard (ROUTE 90)	Inkster Boulevard and Bishop Grandin Blvd
Chief Peguis Trail	Main Street and Henderson Highway
Donald Street and Midtown Bridge	Red River and Osborne Street
Dunkirk Drive and St. Vital Bridge	Red River and Fermor Avenue
Fermor Avenue	Dunkirk Drive and Plessis Road
Henderson Highway	Red River and Glenway Avenue
Lagimodiere Boulevard	Prairie Grove Road and North City Limit
Moray Street & Moray Bridge	Roblin Boulevard and Portage Avenue
Osborne Street and Osborne Bridge	Assiniboine River and St. Vital Bridge
Pembina Highway	Osborne Street and South City Limit
Portage Avenue	Spence Street and St. Charles Street
St. James Street	Portage Avenue and Wellington Ave
Waverley Street	Taylor Avenue and Bison Drive
Wellington Avenue	Winnipeg International Airport and St. James St
Grant Avenue	Shaftesbury Blvd to Charleswood Parkway
Main Street	Logan Avenue to North City Limit
St. Annes Road	Fermor Avenue to St Mary’s Road
St. Mary’s Road	St. Annes Road to Queen Elizabeth Way

