

PORTABLE SIGNS MISCELLANEOUS AMENDMENTS BYLAW, 2013

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Streets and Traffic Bylaw and other bylaws in order to regulate the placement of portable signs on sidewalks and other public property to balance the right to advertise with the other uses of public spaces to ensure safety, fair and equitable use of public space, and to preserve the aesthetic appearance of Victoria by avoiding obstructions and visual clutter.

Under its statutory powers, including sections 4, 8, 62 and 65 of the *Community Charter*, the Council of the Corporation of the City of Victoria, in a public meeting, enacts the following provisions:

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Title

- 1 This Bylaw may be cited as the “Portable Signs Miscellaneous Amendments Bylaw, 2013”.

Sign Bylaw Amendments

- 2 Section 7.1 of Bylaw No. 92-030, the Sign Bylaw, is amended by:
 - (a) deleting the period at the end of paragraph (k) and inserting a semicolon and the word “and” at the end of that paragraph; and
 - (b) inserting a new paragraph (l) as follows:
 - “(l) a sign permitted under section 102A of the Streets and Traffic Bylaw.”

Streets and Traffic Bylaw Amendments

- 3 Bylaw No. 09-079, the Streets and Traffic Bylaw, is amended as follows:
 - (a) by repealing section 101(2)(c) and substituting the following:

This bylaw may or may not contain the latest amendment(s). It is provided for convenience only and should not be used in place of the actual bylaw. The latest version can be obtained from Legislative Services, City Hall, 250.361.0571.

“(c) a portable sign permitted under section 102A of this Bylaw;”

(b) by repealing section 102(2)(c) and substituting the following:

“(c) a portable sign permitted under section 102A of this Bylaw;”

(c) by inserting after section 102 the following provisions as section 102A:

“Portable Signs

102A (1) In this section:

“arcade” means two or more ground floor businesses located within a single building or property that are accessed from the sidewalk through a common entrance or pathway;

“Licence Inspector” means a person appointed by Council as a business licence inspector;

“park” has the same meaning as in the Parks Regulation Bylaw except it does not include Bastion Square or Centennial Square;

“portable sign” means a sign which is self-supporting and easily moved;

“portable sign permit” means a permit issued under subsection (3) or renewed under subsection (4); and

“sign” has the same meaning as in the Sign Bylaw.

(2) A person must not place, construct, erect or cause or permit to be placed, constructed or erected a portable sign that encroaches on, obstructs, or otherwise occupies any public place or sidewalk without first obtaining a portable sign permit.

(3) The Licence Inspector must issue a permit for the placement of a portable sign on a sidewalk or other public place, other than a park, provided that:

(a) a valid Business Licence for the business the portable sign relates to has been issued pursuant to the *Business Licence Bylaw*;

- (b) the applicant has submitted an application in the form prescribed by the Licence Inspector;
 - (c) the applicant has paid:
 - (i) a non-refundable application fee of \$60.00 plus applicable taxes; and
 - (ii) a non-refundable annual use of public space charge of \$100.00 plus applicable taxes;
 - (d) the Licence Inspector is satisfied that the proposed portable sign and its location otherwise comply with the requirements of this section; and
 - (e) a portable sign permit for the business the sign relates to has not been issued already.
- (4) The Licence Inspector must renew a permit for the placement of a portable sign on a sidewalk or other public place, other than a park, provided that:
- (a) the applicant held a valid portable sign permit for the same portable sign and address in the previous year;
 - (b) the Business Licence for the business the portable sign relates to has been renewed;
 - (c) the applicant has paid:
 - (i) a non-refundable annual permit fee of \$30.00 plus applicable taxes; and
 - (ii) a non-refundable annual use of public space charge of \$100.00 plus applicable taxes;
 - (d) the Licence Inspector is satisfied that the portable sign and its location continue to comply with the requirements of this section; and
 - (e) a portable sign permit for the business the sign relates to has not been renewed already.

- (5) A single portable sign, advertising one or more businesses located in an arcade, may be displayed at an entrance to the arcade provided that:
 - (a) the owner, or representative of the owner, of the arcade applies for a portable sign permit;
 - (b) every business advertised on the sign has a valid Business Licence; and
 - (c) all other provisions of this section are complied with, as if the arcade was a single business.
- (6) A portable sign permit expires on January 15 of the year immediately following the year for which it had been issued or renewed.
- (7) A portable sign permit must specify the address where the portable sign may be placed and is not valid for any other address.
- (8) Notwithstanding subsections (3) and (4), the Licence Inspector must not issue or renew a portable sign permit unless:
 - (a) the business the sign relates to has a dedicated and direct access to the business from the sidewalk.
 - (b) the sidewalk in front of the business the sign relates to is at least 2.6 meters in width;
 - (c) the business the sign relates to has at least 1.5 meter street frontage on the sidewalk where the portable sign is located;
 - (d) if the portable sign is to be located in Bastion Square or Centennial Square, the Director of Parks, Recreation and Culture, having considered the other permitted uses and planned activities, has consented to the issuance of the permit; and
 - (e) the applicant maintains valid liability insurance in respect of the portable sign in an amount of at least \$2,000,000.

- (9) A portable sign must be placed:
- (a) in front of:
 - (i) the business it relates to, or
 - (ii) the entrance to the arcade, if the sign relates to a business or businesses located in the arcade.
 - (b) either:
 - (i) as close to the property line of the business it relates to as practical; or
 - (ii) as close to the curb as practical but no closer than 0.3 meters from the curb;
 - (c) at least 2 meters from another portable sign;
 - (d) at least 1.5 meters from any works; and
 - (e) in such a way that it does not:
 - (i) impede pedestrian or vehicular traffic;
 - (ii) leave less than 2 meters of sidewalk width clear for pedestrians and other users of the sidewalk;
 - (iii) restrict access to and egress from vehicles lawfully parked or stopped on a street;
 - (iv) interfere with the use of any City infrastructure, including street furniture and bus stops; or
 - (v) cause any damage to City property.
- (10) A portable sign must not:
- (a) be displayed when the business the sign relates to is not open to the public;
 - (b) be illuminated;
 - (c) be attached to the ground, a building or other structure, or any type of conveyance;
 - (d) exceed 60 cm in width, 60 cm in depth and 90 cm in height;
 - (e) have more than 80% of the sign area used for changeable text;

- (f) be placed on a sidewalk until snow and ice has been removed in accordance with section 107(2) of this Bylaw;
 - (g) have anything attached to it, including but not limited to balloons, pamphlets, pennants or flags; or
 - (h) display any advertising other than that related to the business in front of which it is located or, if the sign is located in front of an entrance to an arcade, the businesses located in that arcade.
- (11) The holder of the portable sign permit must, at all times the portable sign is displayed on a street or in a public place, maintain the sign in a safe and clean condition and in good repair.
 - (12) The holder of the portable sign permit must affix to the portable sign a decal issued by the Licence Inspector at the time the portable sign permit is issued or renewed and write the portable sign permit number on the decal in such a way that it is clearly visible and legible.
 - (13) The Licence Inspector or a Bylaw Officer may impound or cause to be impounded any portable sign that does not display a decal with a valid permit number as required by subsection (12) or otherwise contravenes this section.
 - (14) On an application of the holder of the portable sign permit and payment of a replacement fee of \$10, the Licence Inspector may issue a replacement decal if the Licence Inspector is satisfied that the original decal has been lost or damaged.
 - (15) The Director or a person authorized by the Director may request the portable sign permit holder, or the person in charge of the business to which the sign relates, to temporarily remove the portable sign for any reason, including:
 - (a) street or sidewalk cleaning;
 - (b) installation, maintenance, service or repair of City property or any infrastructure;
 - (c) construction activity on the street or sidewalk;

(d) any emergency where the Director or a person authorized by the Director determines that the circumstances require the sidewalk to be kept clear of obstructions; or

(e) to accommodate another permitted event or activity on a City street or in a public place, and

the portable sign permit holder, or the person in charge of the business to which the sign relates, shall promptly remove the portable sign.

(16) Notwithstanding any other provision of this section, only one portable sign shall be displayed, at any one time, for each business or arcade.

(17) Notwithstanding subsection (2), a portable sign that is regularly displayed on a sidewalk at the time this section comes into force, may continue to be so displayed until January 15, 2014 provided it does not unreasonably interfere with the use of the sidewalk.”

Transition

4 Bylaw 09-079, the Streets and Traffic Bylaw, is amended by repealing section 102A(17).

Commencement

5 This Bylaw comes in to force upon adoption, except for section 4 which comes into force on January 16, 2014.

READ A FIRST TIME the 24th day of **October**, 2013.

READ A SECOND TIME the 24th day of **October**, 2013.

READ A THIRD TIME the 24th day of **October**, 2013.

ADOPTED on the 14th day of **November**, 2013.

“ROBERT G. WOODLAND”
CORPORATE ADMINISTRATOR

“CHRIS COLEMAN”
ACTING MAYOR