

## EXPLANATION

### **By-law to amend Street and Traffic By-law No. 2849 regarding political expression on structures on streets**

On April 19, 2011, Council approved a recommendation to amend the Street & Traffic By-law, regarding political expression on structures on streets. Enactment of the attached By-law will implement that resolution.

Director of Legal Services  
April 19, 2011

BY-LAW NO. \_\_\_\_\_

**A By-law to amend Street and Traffic By-law No. 2849  
regarding political expression on structures on streets**

WHEREAS the City has the authority to regulate the placement of structures on streets;

AND WHEREAS streets are a finite public resource which must be properly managed in order to maintain public safety, balance competing public interests, and promote the orderly use of public property;

AND WHEREAS the City wishes to facilitate and promote the orderly use and placement of structures on streets, for the purpose of political expression.

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Street and Traffic By-law.
2. In section 3, after the definition of "Commercial Vehicle", Council adds:

" "Consulate" means any consulate which is identified as such in the current edition of *Diplomatic, Consular and Other Representatives in Canada*, published by Foreign Affairs and International Trade Canada."
3. In section 3, after the definition of "Street Furniture", Council adds:

" "Structure" in sections 71A, 71B, 71F, and 85A of this By-law means something that is built, constructed or assembled and that is placed on a street permanently, semi-permanently or for a specified period of time."

" "Table" in section 71E of this By-law means an article of furniture supported by one or more vertical legs and having a flat horizontal surface."
4. In section 3, after the definition of "Vehicle", Council adds:

" "Zoning District" means a zoning district as established by the City's Zoning & Development By-law."
5. Council re-numbers section "71A" as "71J".
6. Council repeals section 71 and substitutes:

**"STRUCTURES ON STREETS**

- 71A. A person must not build, construct, place, maintain, occupy, or cause to be built, constructed, placed, maintained or occupied in any street, any structure, object, or substance which is an obstruction to the free use of such street, or which may encroach thereon, without having first

obtained a permit issued by the City Engineer, in accordance with this By-law, except that this section does not apply to a person:

- (a) installing signs authorized by the City Engineer on or over City streets, and intended to control traffic or parking, or to provide directions or street identification;
- (b) putting up or installing street decorations authorized by the City Engineer;
- (c) putting up or installing any other temporary sign or structure which is authorized by by-law, or by provincial or federal legislation;
- (d) installing advertising devices which are integral with public conveniences, as covered by special agreements with the City, such as bus shelter advertising, map stand advertising or automated public toilet advertising; or
- (e) placing a sign or notice on a free standing kiosk or other structure on a street, which is provided by and in a location designated by the City Engineer, specifically for free public use for the purpose of political expression.

#### STRUCTURES CONVEYING POLITICAL EXPRESSION

- 71B. (1) A person seeking a permit under section 71A for any structure, object or substance which conveys political expression, must apply for the permit in the form prescribed by the City Engineer.
- (2) The applicant for a permit under section 71A must submit with the application drawings indicating the construction methods, materials and dimensions of any proposed structure for which a permit has not been previously issued.
- (3) The City Engineer may grant a permit under section 71A, except that the City Engineer must not grant a permit if the structure, object or substance:
  - (a) obstructs or interferes with pedestrian or vehicular traffic;
  - (b) obstructs or interferes with any utility, postal or similar installation;
  - (c) obstructs or interferes with any other structure, object, substance or construction works which occupy the street pursuant to a permit;
  - (d) obstructs or interferes with the use of street furniture;

- (e) obstructs or interferes with City works, on or adjacent to the street;
  - (f) has a width greater than 25% of the width of an adjacent business frontage;
  - (g) is located on street frontage abutting a site which:
    - (i) contains only dwelling uses,
    - (ii) in the case of mixed uses, contains ground floor dwelling uses, or
    - (iii) is located in a zoning district listed in Schedule F, except that subsection (g) does not apply to any Consulate which is listed with the Government of Canada as a Consular Office;
  - (h) is within 5 meters of a building entrance or exit;
  - (i) is within 5 meters of a bus stop, street intersection, driveway crossing, loading zone, taxi zone, or wheelchair ramp;
  - (j) is within 0.5 meters of a curb;
  - (k) is attached or affixed to cement, asphalt or other hard surface on the street;
  - (l) measures more than 1.6 meters in height at the highest point;
  - (m) measures more than 1.6 meters in width at the widest point;
  - (n) measures more than 1.0 meter in depth at the deepest point;
  - (o) has a base area larger than 1.6 square meters;
  - (p) contains moving parts, electrical or electronic components or lights;
  - (q) is structurally unsafe or unstable; or
  - (r) was at the same location or in the same city block applied for, within the previous sixty days.
- (4) The holder of a permit granted under section 71A, or their authorized representative, must:
- (a) attend at the structure, object, or substance for a minimum of six non-consecutive hours between the hours of 8 a.m. and 8 p.m. daily;
  - (b) remove the structure, object or substance from the street between the hours of 8 p.m. and 8 a.m. daily; and

- (c) keep the structure, object, or substance safe and in good repair at all times.
- (5) The holder of a permit granted under section 71A must not use or permit the use of:
- (a) electronic signs;
  - (b) electric or gas lighting or appliances;
  - (c) extension cords; or
  - (d) open flames, propane tanks, gas or electric heaters, or barbeques
- at or near the structure, object or substance authorized by the permit.
- (6) The holder of a permit granted under section 71A must not use or promote the use of expression which:
- (a) is obscene;
  - (b) promotes hatred or violence;
  - (c) is defamatory; or
  - (d) contains commercial content.

#### TERM OF PERMIT

- 71C. A permit granted under section 71A is valid for thirty days from the date of issuance, except that the City Engineer must not issue:
- (a) a permit for a term greater than thirty days;
  - (b) more than six non-consecutive permits per year, for any city block or location;
  - (c) more than one permit every sixty days, for any city block or location; or
  - (d) a permit to an applicant who is the current holder of such a permit.

#### EXPIRY OR CANCELLATION OF PERMIT

- 71D. The City Engineer must cancel a permit issued under section 71A, if the holder of the permit fails to comply with any of the provisions in section 71B.

## TABLES CONVEYING POLITICAL EXPRESSION

- 71E. Despite section 71A of the By-law, a table which conveys political expression does not require a permit under section 71B of this By-law if:
- (a) it is no larger than 1 meter in depth by 1.8 meters in width by .75 meters in height;
  - (b) it is placed on the street for no more than thirty consecutive days;
  - (c) it is removed from the street between the hours of 8 p.m. and 8 a.m. daily;
  - (d) it is attended at all times;
  - (e) no more than one table is placed on any city block at any time;
  - (f) the name of the sponsoring organization or person is clearly displayed on the table;
  - (g) it does not obstruct or interfere with pedestrian or vehicular traffic;
  - (h) it does not obstruct or interfere with any utility, postal or similar installation;
  - (i) it does not obstruct or interfere with any other structure, object, substance or construction works which occupy the street pursuant to a permit;
  - (j) it does not obstruct or interfere with the use of street furniture;
  - (k) it does not obstruct or interfere with City works, on or adjacent to the street;
  - (l) it is more than 5 meters from any building entrance or exit;
  - (m) it is more than 5 meters from any bus stop, street intersection, driveway crossing, loading zone, taxi zone, or wheelchair ramp;
  - (n) it is more than 0.5 meters from any curb;
  - (o) it contains no moving parts, electrical or electronic components or lights;
  - (p) it is structurally safe and stable;
  - (q) it is not used in association with any electronic signs, electric or gas lighting or appliances, extension cords, open flames, propane tanks, gas or electric heaters, barbeques; and
  - (r) it does not contain obscene or defamatory content and does not promote hatred or violence.

## EMERGENCIES ON STREETS

- 71F. In the case of an emergency, the City Engineer may temporarily remove a structure or table that is permitted on a street.

#### CONSTRUCTION OF SIDEWALKS ON STREETS

- 71G. A person must not lay, construct, or reconstruct any sidewalk on any street, without having first obtained a permit issued by the City Engineer in accordance with this By-law.

#### DEBRIS ON STREETS

- 71H. The owner or occupier of real property adjacent to a street, must not allow or permit any earth, rock, stones, trees, logs, stumps or similar substances or things from the property:
- (a) to cave, fall, crumble, slide, accumulate or be otherwise deposited on to a street; or
  - (b) to remain on a street.

#### WATER ON STREETS

- 71I. The owner or occupier of real property adjacent to a street, must not allow or permit water to flow from the property on to a street."

7. In section 85A, Council repeals:

- (a) "." in the first paragraph;
- (b) the words "This section shall not apply to:"; and
- (c) paragraphs (a) through (e),

and substitutes:

", except that this section does not apply to a person:

- (a) installing signs authorized by the City Engineer on or over City streets, and intended to control traffic or parking, or to provide directions or street identification;
- (b) putting up or installing street decorations authorized by the City Engineer;
- (c) putting up or installing any public notice or other temporary sign, which is authorized by by-law or by provincial or federal legislation;
- (d) installing advertising devices, which are integral with public conveniences as covered by special agreements with the City, such as bus shelter advertising, map stand advertising or automated public toilet advertising; or

(e) placing a sign or notice on a free standing kiosk or other structure on a street, which is provided or authorized by the City Engineer, specifically for free public use for the posting of notices or for the purpose of political expression."

8. Council inserts as section 103 (6) the following:

"Every person who commits an offence against the provisions of sections 71A, 71B(4), 71B(5) or 71B(6) is liable to a fine of not less than \$1,000.00 and not more than \$5,000.00."

9. After Schedule E, Council inserts the following:

"Schedule F

RA-1 District  
RS-1 District  
RS-1A District  
RS-1B District  
RS-2 District RS-3 and RS-3A Districts  
RS-4 District  
RS-5 District  
RS-6 District  
RS-7 District  
RT-1 District  
RT-2 District  
RT-3 District  
RT-4, RT-4A, RT-4N and RT-4AN Districts  
RT-5, RT-5A, RT-5N and RT-5AN Districts  
RT-6 District  
RT-7 District  
RT-8 District  
RT-9 District  
RT-10 and RT-10N Districts  
RM-1 and RM-1N Districts  
RM-2 District  
RM-3 District  
RM-3A District  
RM-4 and RM-4N Districts  
RM-5, RM-5A, RM-5B and RM-5C Districts  
RM-6 District  
FM-1 District  
FSD District "

10. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.



11. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk