

Date: January 22, 2009



TO: Board Members – Vancouver Park Board
FROM: General Manager – Parks and Recreation
SUBJECT: Charter Amendment for Signage in Parks

RECOMMENDATION

THAT the Board approve the proposed Vancouver Charter amendment generally in accordance with Appendix A.

POLICY

The Park Board has broad powers to regulate signs by by-law. That power is set out in section 491(c) of the *Vancouver Charter* which states:

Board's power to make by-laws

491. In the exercise of any of its powers, the Board may from time to time pass, amend, and repeal by-laws (not inconsistent with any by-law passed by the City Council) to be observed in the parks, or any of them, for the control, regulation, protection, and government of the parks and of persons who may be therein, including

Regulating signs

(c) the regulation of advertising or signs of any kind in any of the parks;

BACKGROUND

A report regarding proposed changes to the *Vancouver Charter* was tabled at its Monday January 19, 2009 Park Board meeting. A number of delegations expressed concern that the proposed charter amendments would lead to commercialization of the City's parks. This report is to provide additional rationale for the proposed amendments and address concerns raised by delegations to the Park Board.

Signage in Parks

There are a number of signs, both temporary and permanent, erected in parks by the Park Board and by persons using parks for business, social or charitable purposes.

Vancouver parks are used for business purposes which necessitate signs. Many people rent park property including green space, pavilions, lecture halls, restaurants and heritage buildings, for long term and short term use which may require signage.

There are a number of restaurants and other tenants in parks, such as the Sequoia Grill Restaurant, the Fish House Restaurant, the Vancouver Aquarium, and sport organizations such as the Vancouver Racquet Club, the Vancouver Canadians and others. These businesses and organizations require permanent directional signs and signs advising the public of their business, products and services. The Park Board itself requires signage within parks for its own purposes for community centres, wayfinding and other purposes.

Parks are used frequently by charities for fund raising events. Parks are the scene of many charitable events such as the Vancouver Sun Run, the S.U.C.C.E.S.S. Dragon Walk, and many smaller charitable events which all necessitate signs of various types.

Other public events on lands regulated by the Park Board include the Vanier Park Children's Festival, the Jericho Park Folk Festival and other public festivals. Some festivals are for profit, some are not. All require temporary signs of various types.

Public markets at parks at John Hendry Park, Riley Park and at Kitsilano Community Centre, all require signs.

The Park Board is responsible for many heritage sites, including places such as Brock House, Rose Garden Cottage in Stanley Park and Malkin Bowl. A number of those properties are rented to the public on a short term or long term basis and require signage.

DISCUSSION

The Park Board has broad powers to regulate signs by by-law. That power is set out in section 491(c) of the *Vancouver Charter* which states:

Board's power to make by-laws

491. In the exercise of any of its powers, the Board may from time to time pass, amend, and repeal by-laws (not inconsistent with any by-law passed by the City Council) to be observed in the parks, or any of them, for the control, regulation, protection, and government of the parks and of persons who may be therein, including

Regulating signs

(c) the regulation of advertising or signs of any kind in any of the parks;

The term "regulating" is defined as follows:

"Regulating" includes authorizing, controlling, limiting, inspection, restricting, and prohibiting;

Based on this authority, the Park Board has the power to regulate signs, including commercial signs, by by-law. As well, this authority means that the Park Board has the power to allow or to restrict advertising and signage in parks. It is interesting to note that the Park Board has had this broad power to allow commercial advertising in parks for many years but there has not been a proliferation of commercial advertising in parks.

Despite this broad authority, the Park Board does not have the power to pass sign by-laws which differentiate between different areas in the parks, different times or different circumstances. As well, although the Park Board has the power to enact clear and detailed advertising or sign regulations, it lacks the power to relax those regulations by by-law in circumstances which the Park Board decides are appropriate, for reasons such as short term charitable events, public festivals, or geographical hardship.

Sign By-law

In 2006, Council sought and obtained amendments to the *Vancouver Charter* to give Council authority to relax the Sign By-law regulations in certain circumstances. That authority, set out in section 571AA of the *Vancouver Charter* (see Appendix B), is very similar to the proposed Charter amendment which is the subject of this report.

Council regulates signs through detailed requirements in its Sign By-law, in order to protect the natural beauty of the City from the urban blight which can result from unregulated commercial signage. In general, the Sign By-law allows businesses to advise customers of the name of the business as well as the products and services provided at the businesses. The details of how a business is permitted to use signage to promote their business are specified in the Sign By-law.

Prior to the enactment of section 571AA, Council lacked authority to relax the provisions of the Sign By-law to allow temporary celebratory signage for special events, or for circumstances where it was impossible to comply with the by-law due to the unusual configuration of a building or lot. This is the same problem that faces the Park Board in regulating advertising and signs.

Now that Council is able to relax the sign by-law for special events and other purposes, Council can create by-laws for specific special events. The 2010 Winter Games Sign Designation and Relaxation By-law No. 9697 (see Appendix C) is possible through the new powers created to section 571AA of the *Vancouver Charter*. The by-law allows for celebratory and wayfinding signage, and restricts commercial content of any new signage. The by-law is time limited with relaxation provisions expiring at the end of 2010.

Relaxation Provisions

The intention of the proposed *Vancouver Charter* amendment is to give the Park Board the same powers that Council already has to differentiate and discriminate in the regulation of signs and relax requirements for specific purposes. At present, the Park Board has broad powers to enact stringent regulations, but those regulations must be the same for all parks and all circumstances. For example, the powers sought would enable the Board to enact by-laws to:

- provide for different regulations in different parks, which would be responsive to the particular type of park and the surrounding neighbourhood;
- allow for celebratory signage and waive permit fees for charitable events;
- define celebratory signage to prohibit any commercial advertising on that signage;
- respond to individual circumstances where geographical location might make strict compliance with sign regulations as to location not possible (“unnecessary hardship”);
- place time limits on celebratory signage.

The proposed amendment to the *Vancouver Charter* is to enable the Board to enact by-laws to address the above public needs.

The following table compares the current and proposed changes to *Vancouver Charter* to regular signs:

Current	Proposed Amendment
<p>Board may from time to time pass, amend and repeal by-laws (not inconsistent with any by-law passed by the City Council) to be observed in the parks, or any of them, for the control, regulation, protection, and government of the parks and of persons who may be therein, including</p> <p>Regulating signs</p> <p>(c) the regulation of advertising or signs of any kind in any of the parks;</p>	<p>Amend the Park Board's power to regulate advertising or signs to:</p> <p>(a) include regulating the number, size, type, form, appearance, and location of signs;</p> <p>(b) enact different provisions for different locations, times, conditions or circumstances and differentiate between types of signs and advertising;</p> <p>(c) provide for relaxation of a sign by-law in cases of unnecessary hardship, heritage property, new technology not contemplated under the bylaw, and special events as designated by the Board by by-law; and</p> <p>(d) authorize the General Manager to relax for such purposes and subject to such constraints as the Park Board may impose by by-law.</p>

Freedom of Expression

The proposed Charter amendments have no impact on the opportunities for freedom of expression. The City and Park Board have a responsibility to ensure opportunities for freedom of expression. The City and Park Board are working with their partners to ensure opportunities for free expression are available.

SUMMARY

The proposed amendment does not expand the Park Board's power to allow advertising or signage in Parks. The Park Board has that power now and has had that power for many years.

Although the proposed amendment would be very useful for dealing with celebratory signage during the Olympic Games, as illustrated by Appendix C, it can also be used by the Park Board to enact by-laws to refine the exercise of the Park Board's broad regulatory advertising and sign powers in the future. The amendment will support the Park Board's ability to allow Olympic and Paralympic celebratory and wayfinding signage in parks. The amendment will also clarify the Park Board's ability to regulate all forms of signage and advertising in parks supporting future special events along with other park requirements.

Prepared by:

Corporate Services
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Appendix A

**SUMMARY OF PROPOSED AMENDMENTS
TO THE VANCOUVER CHARTER**

Regulation of Advertising or Signs in Parks - section 491 (c)

Amend the Park Board's power to regulate advertising or signs to:

- (a) include regulating the number, size, type, form, appearance, and location of signs;
- (b) enact different provisions for different locations, times, conditions or circumstances and differentiate between types of signs and advertising;
- (c) provide for relaxation of a sign by-law in cases of unnecessary hardship, heritage property, new technology not contemplated under the bylaw, and special events as designated by the Board by by-law; and
- (d) authorize the General Manager to relax for such purposes and subject to such constraints as the Park Board may impose by by-law.