

Comprehensive Sign By-law review, inclusion of Portable Electronic Sign Provisions Information Report further to Council Resolution CC2019-319 - A & A1

Presented To:	City Council
Meeting Date:	April 27, 2021
Type:	Managers' Reports
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Recommended by:	General Manager of Growth and Infrastructure

Report Summary

This report provides information regarding a summary of the portable electronic sign provisions that will be included in the draft comprehensive sign by-law as directed by Council on October 29, 2019.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report relates to Council's priority for Asset Management and Service Excellence through a program of regular service review that examines options for improving service levels.

Financial Implications

There are no financial implications associated with this report.

Executive Summary

On October 29, 2019, City Council received summary of a comprehensive review of the City of Greater Sudbury Sign By-law. The Review included current state analysis, stakeholder and public consultation as well as citizen survey results. In response to recommendations outlined in the report entitled "City of Greater Sudbury Comprehensive Sign By-Law Review, Recommendations and New By-Law", Staff were directed to incorporate additional provisions for portable electronic signs.

Through City of Greater Sudbury Council Resolution CC2019-319-A1 Staff were directed "to incorporate provisions for portable electronic signs into the draft by-law and that staff bring back a report prior to final approval of the by-law".

This report will inform Council on feedback received through consultation and will provide options for the inclusion of portable electronic signs in the draft by-law. Staff will provide information on risks and

potential mitigation strategies that may be implemented through by-law amendments and process creation in order to allow portable electronic signs to be placed on specific properties. Staff will illustrate the relationship between the current service level and the anticipated impact if the service expands, and identify impacts to resource allocations and budgets.

Subject to further direction of Council, a new draft by-law, which includes provisions for portable electronic signs, will be presented at a subsequent Council Meeting for final assent.

Background

The 2019 Sign By-Law Review – Recommendations Report by Martin Rendl Associates provided a fulsome outline of the consultants findings obtained through consultations with stakeholders, the public, several City departments and other municipal comparators.

As described in the report, electronic signs received the most frequent negative comments in the December 2017 public survey completed by over a hundred community members. The most common types of signs the public in Sudbury associated with distraction, traffic safety and being too bright were electronic signs and billboards. In the past 10 years, the City has received a minimal number of complaints (50 in total) regarding safety concerns directly related to the brightness of permanent electronic billboard signs that have received permits with the City. While the total number of complaints is relatively small compared to other types of complaints received, the concerns of the public, if left unattended, can negatively impact vehicular safety and contribute to neighbourhood nuisances.

The chart below, taken from the Martin Rendl Report, illustrates public feedback where more than 50% of respondents confirmed issues with:

- traffic safety;
- the distraction created by signs;
- the number, size and appearance of signs;
- the number of signs along a roadway.



Taken from Martin Rendl Associates, October 2019
City of Greater Sudbury Sign By-Law Review – Recommendations Report

Throughout the Martin Rendl Associates October 2019 Recommendations Report, it cited that the City's current regulations for portable signs were in line with other municipal comparators and provided the safety measures needed to mitigate the concerns of the public and stakeholders. The comparator municipalities referenced in the report included Thunder Bay, Whitby, St. Catharines, Guelph, Waterloo, Toronto, Barrie, Kingston, Ajax, Richmond Hill, Oshawa, Burlington, Oakville and Cambridge.

The current provisions or principles included;

- that a temporary sign is secondary to other permanent signs on the premises;
- that a sign is located entirely on private property and not on any part of the public road allowance;
- that a sign's location does not interfere with the safe operation of vehicular traffic or the safety of pedestrians;
- that a sign is not illuminated and contains no animation or visual effects.

The Council Report presented on October 29 2019 provided a comprehensive by-law review, recommendations and the new draft by-law. According to Martin Rendl Associates, the recommended draft sign by-law provisions for temporary signs were found to be generally appropriate and consistent with best municipal practice (Section 2,4 Findings, Page 7, Martin Rendl Associates September 2019 Report).

The draft by-law ensured signage did not create a conflict with other signs, specifically signs located adjacent to public road allowance. Therefore, only minor amendments were recommended to allow provisions for flags, agricultural direction signs, new development signs, as suggested through public and stakeholder feedback.

In conclusion, Council approved the recommendations as outlined in the report and Staff were directed to finalize the draft by-law presented, subject to staff incorporating provisions for portable electronic signs into the draft by-law and that staff return with a report prior to final approval of the by-law.

Analysis

Given that electronic signs received the most frequent negative comments in the public survey, and whereas the public associated electronic signs with distraction, traffic safety and being too bright, Staff have incorporated specific provisions within the draft By-law to allow for these new type of signs, while trying to mitigate these concerns from all stakeholders. Deciding on adequate safeguards has proven to be challenging as there are no other municipal comparators nor any research on the effects of these signs on traffic safety.

Also evident through stakeholder consultation, feedback of the Transportation and Innovation section has illustrated similar concerns as the public related to brightness and traffic safety. In support for this review the following points have been raised as potential concerns:

- electronic portable signs would be at the driver height;
- may pose a hazard and serious distractions for motorists who are trying to look past them;
- may be similar to driving against a vehicle with high beam lights on;
- absent of municipal best practice, the impact of portable electronic signs have not been studied.

Staff are not recommending the inclusion of portable electronic signs along the frontage of a property at this time.

With concerns cited for the inclusion of portable electronic signs along the frontage of a property, in consideration for potential risks, Staff have included provisions that may mitigate these safety concerns.

Staff have made the following recommendations and changes to the draft sign by-law;

- limit of one (1) portable electronic sign permitted per property;
- not permitted if another electronic sign on the property (ie: permanent electronic signs);
- setbacks in line with the permanent electronic sign rules of;
 - 3 metres to the edge of property;
 - located a distance from traffic signals;
 - 200.0 metres or more from any other electronic sign;
 - 200.0 metres or more from the centerline of a street intersection with Traffic Control Devices or an at Grade railway crossing.
- not within 30 metres of a residential use;
- extension cords are not permitted (the sign must be powered independently, no power cords running to buildings as a power source);
- cannot cause noise issues;
- cannot be located on a trailer for the purpose of advertising on a property;
- most other provisions would be the same as other portable signs;
- frequency of message changes same as permanent electronic signs;
- the brightness provisions to be the same as permanent electronic signs during hours of operation;
- hours of operation permitted only during daylight hours and illumination prohibited between sunset to sunrise.

Service Level Impact

The administration, education and enforcement of portable sign provisions is managed through the Bylaw and Security Department. Junior By-Law Officers issue an average of 345 permits annually at a cost of approximately \$24,000 to the municipality. User Fee revenue for portable sign applications typically support full cost recovery of the service, with an average annual revenue of \$34,500. The Junior Officers respond to approximately 150 sign complaints per year, with service level costs typically absorbed within user fees for portable signs, with exceptions for years when there is a municipal or provincial election, when complaint numbers typically doubles.

Complaints, based on historical data and current volumes, have increased with the introduction of the electronic billboards with the impact of the brightness being the biggest complaint. In 2013, when the electronic billboard signs erected along the Kingsway and Notre Dame, the City received 10 complaints for the brightness raised by drivers and residents within the first few months of operation.

With the introduction of a new type of electronic sign, if there are complaints that arise that constitute safety issues, the impact of the changes may impact service level and cost of service. Staff will be required to measure the brightness of the signs on a proactive and reactive response. Resources required to determine the brightness of the signs are acquired at a cost of approximately \$1000.00

per device. Officers will also need to be trained and Staff from Building Services and By-Law Enforcement are currently looking at options to consolidate training of the staff in both departments on the use of the light meters needed to ascertain the brightness of the signs.

Conclusions

This report has provides Council with information related to the introduction of portable electronic signs in the draft by-law. It was shown that the City's current regulations related to portable signs were in line with other municipal comparators and provided the safety measures needed to mitigate the concerns of the public and stakeholders.

With the introduction of portable electronic signs, where there are no other municipal comparators or research to support or refute safety principles, the City has recommended provisions for portable electronic signs to the same as, or more restrictive than, existing provision for permanent electronic signs. Within a draft by-law, Staff have provided risks and potential mitigation strategies that may be implemented in order to allow portable electronic signs to be placed on specific properties.

Subject to further the direction of Council, a new draft by-law that incorporates portable electronic signs will be presented for approval in a subsequent Council Meeting.

Resources Cited

Council By-Law Report, dated October 29 2019 – Presentation – Request for Decision
City of Greater Sudbury Comprehensive Sign By-Law Review, Recommendations and New By-Law
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1331&itemid=14680&lang=en>

Martin Rendl Associates September 2019 Report: City of Greater Sudbury Sign By-Law Review – Recommendations Report
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&attachment=27867.pdf>

Operations Committee, dated July 08 2019 – Presentation – For Information Only
City of Greater Sudbury Comprehensive Sign By-Law Review Update
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1343&itemid=16398&lang=en>