



REPORT

To: Chair and Directors

Report Number: DS-BRD-144

From: Kathy Suggitt, General Manager of Development Services

Date: April 29, 2021

Subject: Jurisdiction Over Signs in the Peace River Regional District

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board rescind the following recommendation from the October 25, 2018 Regional Board Meeting:

“That a signage bylaw be drafted for consideration by the Board”.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board rescind the following recommendation from the March 28, 2019 Regional Board Meeting:

“That a report containing options for a PRRD Sign Regulation Bylaw, including criteria and location zones, be prepared for the Boards review”.

BACKGROUND/RATIONALE:

On March 28, 2019, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That the Ministry of Transportation and Infrastructure (MoTI) be contacted to determine jurisdiction for signs located along highways and on right of ways.

The information below was obtained from MoTI, the *Motor Vehicle Act* and the Provincial Public Undertakings Regulation.

There are two prevailing acts or regulations that regulate signs along or near highways in British Columbia; the *Motor Vehicle Act of BC* (Section 214) and the Provincial Public Undertakings Regulation (Sections 12 and 13).

The Motor Vehicle Act Summary

Section 214 (1) of the *Motor Vehicle Act* states that a person must not erect or maintain, or cause to be erected or maintained, a sign, advertisement or guide post over an arterial highway or a highway in rural area, except with the approval of the minister responsible for the administration of the *Transportation Act*.

- Municipalities, treaty lands, and the Nisga’a Lands are given exemptions to the above if they have enacted municipal bylaws, or have other such laws. A similar exemption is not available to regional districts.
- The word highway has a broad definition that includes but is not limited to public roads, trails, lanes, bridges, and trestles.

Section 214 (2) of the *Motor Vehicle Act* allows the minister responsible for the administration of the *Transportation Act* to cause a sign, advertisement or guide post erected or found on or over a highway, whether erected with or without the minister's approval, to be altered, repainted, torn down or removed.

- MoTI confirmed that they, from time to time, do a "sign sweep" whereby they will remove offending signs. They will attempt to contact either the landowner or the owner of the sign prior to removal.

Section 214 (3) of the *Motor Vehicle Act* prohibits anyone from tearing down, removing, displacing or in any way interfering with a guide post erected by or with approval of the minister.

- A guide post is defined as a post bearing a sign.
- Consequently, a sign bylaw enacted by the Peace River Regional District (PRRD), that prohibited signage, would have no jurisdiction over signs that were erected with approval from the minister.

Section 214 (4) of the *Motor Vehicle Act* states a person must not erect or replace signs or sign boards, and must not paste or paint signs, notices or advertising devices, within a distance of 300m from the boundary line of a highway in rural British Columbia.

- This distance could encompass many private parcels of land.
- A sign bylaw enacted by the PRRD would not have jurisdiction within a distance of 300m from the boundary line of any highway in rural British Columbia.
- A sign bylaw enacted by the PRRD could only regulate lands outside of a distance of 300m from the boundary line of any highway in rural BC. As the definition of "highway" is so broad, there would be few parcels of land that a PRRD bylaw would have jurisdiction over and those parcels would not be in populated areas.

Section 214 (5) of the *Motor Vehicle Act* gives authority for the minister responsible for the administration of the *Transportation Act* to approve the erection or maintenance of a sign, sign board or advertising device within a distance of 300m from the boundary line of a highway in rural British Columbia.

- A sign bylaw enacted by the PRRD would be superseded by this section. In order to be lawful, a sign authorized by a PRRD bylaw would also require approval from the minister responsible for the administration of the *Transportation Act* and a sign prohibited by a PRRD bylaw could be authorized by the minister responsible for the administration of the *Transportation Act*.

The Provincial Public Undertakings Regulation Summary

Section 12 of the Provincial Public Undertakings Regulation prohibits the placement of any structure, without the consent of the minister, within the following distance from the property line fronting on any arterial highway within a municipality or on any highway in unorganized territory:

- (a) if a public lane or alley provides secondary access to the property, 3 m;
- (b) in any other case, 4.5 m

Section 13 of the Provincial Public Undertakings Regulation prohibits the placement of signs, structures, trees etc. without consent from the minister or within an area defined as the sight triangle.

A PRRD sign bylaw could not contradict provincial permissions and/or restrictions.

Other information provided by the Ministry of Transportation and Infrastructure

- MoTI has the authority to issue a permit for a sign within a distance of 300m from the boundary line of a highway in rural British Columbia.
- Many of the signs and billboards along the highways have permits. If there is a specific sign of interest to the PRRD, MoTI can conduct a sign permit search.

- MoTI enforcement of sign placement is handled by the Operations Department. Removal of signs that interfere with sight lines and public safety are given priority.
- As part of the approval process, the applicant has to provide information such as the size of the sign, the location of the sign, details of animation, brightness of lights etc.
- MoTI may require legal surveys, at the landowner's expense, to prove the location of signs.

On October 25, 2018 the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That a signage bylaw be drafted for consideration by the Board.

On March 28, 2019 the Regional Board passed the following resolution

MOVED, SECONDED, and CARRIED

That a report containing options for a PRRD Sign Regulation Bylaw, including criteria and location zones, be prepared for the Boards review.

As noted above, the minister responsible for the administration of the *Transportation Act* has jurisdiction over all signage within a distance of 300m from the boundary line of a highway in rural British Columbia. The *Motor Vehicle Act* does not provide an exemption to a regional district even if a regional district enacts a sign bylaw. A sign authorized by a PRRD sign bylaw could be prohibited by the province and a sign prohibited by a PRRD sign bylaw could be authorized by the province.

A PRRD bylaw cannot be less restrictive than provincial legislation and a bylaw that has the same requirements as provincial legislation is redundant.

A PRRD bylaw that only regulates those parts of land or entire parcels of land that are outside of a distance of 300m from the boundary line of any highway in rural British Columbia is not recommended. Such a bylaw could only permit a sign to be placed near the middle of a quarter section or on a property that is not near any highways. These locations are not highly visible and/or are in less populated and remote areas. As such it is recommended that the PRRD does not pursue the preparation of a sign bylaw for the reasons outlined above.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Section 214, Excerpt from the *Motor Vehicle Act*
2. Sections 12 and 13, Excerpts from the Provincial Public Undertakings Regulation