



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: 17 December 2008
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Meeting Date: January 20, 2009

TO: Vancouver City Council

FROM: General Manager of Olympic and Paralympic Operations and Director of Legal Services

SUBJECT: 2010 Olympic and Paralympic Winter Games: Vancouver Charter Amendment Proposals

RECOMMENDATION

THAT Council approve the proposed Vancouver Charter amendments generally in accordance with Appendix A.

GENERAL MANAGER'S COMMENTS

The proposed amendments to the Vancouver Charter will add to or clarify Council's powers of regulation, and will assist Council in facilitating the operation of the 2010 Olympic and Paralympic Winter Games (Games) and meeting the City's obligations under the Multiparty Agreement between the City, the Resort Municipality, the Federal Government, VANOC, the Canadian Olympic and Paralympic Committees, and the Province. The proposed changes will also strengthen the City's ability to support future special events in Vancouver.

The General Manager of Olympic and Paralympic Operations and the Director of Legal Services support the proposed amendments.

CITY MANAGER'S COMMENTS

The City Manager recommends approval of the recommendation.

COUNCIL POLICY

Council must approve requests for Vancouver Charter amendments.

PURPOSE

The purpose of this report is to seek Council approval for various Vancouver Charter amendment proposals that the General Manager of Olympic and Paralympic Operations and the Director of Legal Services have submitted to the Provincial Government (the "Province") for consideration.

BACKGROUND

In 2007 and 2008, staff undertook a review of the City's regulatory framework to ascertain whether or not it would adequately support the operation of the Games as well as protect the public interest.

DISCUSSION

At the conclusion of the review of the City's regulatory framework, staff determined that the proposed amendments to the Vancouver Charter set out in Appendix A would add to or clarify Council's powers of regulation under the Vancouver Charter and its by-laws, both generally and in connection with the Games and the City's obligations regarding the Games.

The proposed amendments deal, among other things, with classifying streets either temporarily or permanently for a variety of purposes including the provision of security for the Games; regulating advertising and signage on streets and in parks; relaxing the regulation of advertising and signage on streets and in parks to allow such things as Olympic celebratory and wayfinding signage; regulating street performing and vending; closing streets temporarily; authorizing city officials designated by Council, in addition to the Mayor, to allow for noise control relaxation but only in exceptional cases; removing graffiti and illegal signage from private property with limited notice; and relaxing zoning and building requirements for special events.

In general, the proposed changes clarify powers already specified in the Vancouver Charter and Vancouver's by-laws. Existing powers are sufficient for regular operations of the City. The need for clarification of powers is due to the increased activities and demands on City infrastructure and the public domain at Games time.

The request to be able to remove graffiti and illegal signage from private property are new powers that are necessitated by the short duration and high exposure of the Games. Current regulatory powers with respect to these two items would not facilitate timely removal of graffiti or illegal signage. Therefore, new powers are required to provide a sufficient deterrent to prevent the installation of illegal signage or graffiti during the Games.

VANOC in partnership with the City and other Games partners has initiated a program called Game Plan. In 2008, Game Plan included a series of public meetings held in venue neighbourhoods throughout the City. The purpose of the meetings was to talk about the Games, and indicate possible impacts on affected neighbourhoods. VANOC intends to repeat Game Plan in spring and fall 2009 as more detailed information is available. Game Plan would be used as a venue to communicate any impacts of by-law changes.

Permit and license holders such as street vendors would be notified in advance of 2010 of any impacts related to the Games. Information on regulatory initiatives is available on the Host City website. The information will be updated as new by-laws are put in place. The City is

developing an education program to ensure that building owners and managers, and sign companies, are aware of the issues surrounding illegal signs.

The proposed amendments are subject to approval by the Province.

The proposed amendments related to parks are subject to approval by the Park Board.

Although the proposed Charter amendments have been developed in response to issues related to the Games, the amendments will also be useful in developing by-laws for managing future special events. By-laws developed specifically for the Games will serve as templates for future special event by-laws. The General Manager of Olympic and Paralympic Operations and the Director of Legal Services will be reporting back to Council with proposals for specific by-law amendments.

FINANCIAL IMPLICATIONS

The proposed Charter changes have potential financial implications with respect to the potential to levy increased fines for violations of the City's by-laws and potential increases in costs through work related to new powers such as the removal of graffiti from private property. Any additional revenues from fines would be insignificant, and costs through work related to new powers would be funded within existing budgets.

CONCLUSION

The proposed Vancouver Charter amendments will help to ensure a successful Games, and ensure that the City meet its obligations as a Host City. The proposed amendments also support future special event by-laws.

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APPENDIX A

SUMMARY OF PROPOSED AMENDMENTS

TO THE VANCOUVER CHARTER

1. **Imposition of conditions in Permits and Licenses**

Allow for the imposition of conditions on permits and licenses.

2. **Temporary classification of streets - section 317(f)**

Provide that the classification of streets may be for a temporary purpose.

3. **Classification of streets - section 317(f)**

Provide that streets which provide access routes to special events or between different venues for special events may constitute a class of street.

4. **Regulation of advertising on streets - section 319(d)**

Enhance the City's powers to regulate the exhibition of advertising material on vehicles and streets.

5. **Relaxation of regulation of advertising on streets - section 319(d)**

Amend Council's power to regulate advertising or signs on streets, to authorize relaxations by Council similar to the relaxations Council may authorize under section 571AA, and to allow Council to authorize the City Engineer to make such relaxations.

6. **Resolution of conflict between "regulation" and "prohibition" - section 319(e)**

The section provides for regulating the distribution of advertising-matter on any street, and for prohibiting persons from distributing if likely to be thrown or left on a street. Delete the prohibition because "regulation" includes prohibition.

7. **Temporary street closures - section 319(f)**

Include the power to temporarily close streets for various uses under section 319.

8. **Regulation of street performing and entertaining - section 319**

Provide in a new subsection for regulate the use of any street for street performing and entertaining.

9. Requirements in connection with regulation of use of streets - section 319

Add the following concepts in connection with section 319:

- (a) regulations under section 319 may be different for different streets or different parts of streets, and for different parts of the city;
- (b) regulations under subsections (c), (d), (e), and (f), and under the new subsection for street performing and entertaining, may provide for the issuance of a limited number of permits as determined from time to time by Council;
- (c) regulations under subsections (c), (d), (e), and (f), and under the new subsection for street performing and entertaining, may provide for limitations as to location (for example, the southeast corner of Burrard and Robson) as determined by Council, and for a change in location to any place in the city as required from time to time by Council during the term of a permit;
- (d) regulations under subsections (c), (d), (e), and (f), and under the new subsection for street performing and entertaining, may provide for time limited permits as determined from time to time by Council; and
- (e) regulations under subsections (c), (d), (e), and (f), and under the new subsection for street performing and entertaining, may provide for the imposition of conditions as determined from time to time by Council.

10. Relaxation of Noise Control By-law - section 323(b)

Allow city officials designated by Council, in addition to the Mayor, to relax the requirements of the Noise Control By-law in exceptional cases.

11. Removal of graffiti from property - section 323(m)

Provide that the city, at its cost, may remove graffiti from real property without notice.

12. Increase in maximum fine and maximum daily fine - section 333

Stipulate that the maximum fine for an offence is \$10,000, and the maximum daily fine is \$10,000.

13. Relaxation of sign regulations - section 491(c)

Amend the Park Board's power to regulate advertising or signs, to authorize relaxations by the Park Board similar to the relaxations Council may authorize under section 571AA, and to allow Council to authorize the General Manager of the Park Board to make such relaxations.

14. **Relaxation of zoning and building requirements for special events - section 565A(e)**
Add special events to the list of permitted relaxations for zoning and building requirements.
15. **Authorization for relaxation of zoning and building requirements - section 565A(e)**
Empower Council to authorize city officials or a board to relax zoning and building requirements.
16. **Removal of illegal signs from property - section 571A(4)**
Provide that, despite section 324A(1) and (2), the city may remove illegal signs from real property with limited notice, and may charge the owner for the cost of such removal.