



Subject: Election Sign By-law – 2022-74

To: Council

From: Development and Legislative Services

Report Number: 2022-74

Meeting Date: April 12, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-74 be received; and

That the Election Sign By-law be brought forward; and

That the proposed fees for storage and removal of signs be approved as outlined in Report 2022-74 and added to Schedule P of the User Fees and Charges By-law 6949/95/21; and

That the updated Schedule P of the User Fees and Charges By-law be included in a future amendment to By-law 6949/95/21.

Purpose:

The purpose of this report is to provide Council with an updated Election Sign By-law for approval and adoption.

Background:

Bill 181, Municipal Elections Modernization Act (MEMA) introduced legislative requirements related to election signage, which came into effect for the 2018 Municipal Election. Changes to the Municipal Election Act, 1996 (MEA) as it relates to election signs and advertising includes the following:

- Section 88.7 of the Municipal Election Act, 1996 (MEA) strengthens provisions for municipalities to remove or order the discontinuance of advertising where sections of the MEA have been contravened.

- Election campaign advertisements, such as advertisements in any broadcast, print, electronic or other medium, purchased by or under the direction of a candidate, shall identify the candidate to make it clear who is responsible for the messaging.
- Third Party Advertising (which includes advertisements in broadcast, print, electronic or other medium, including signs), shall identify the name of the registered third party, a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.
- Landlords, condominium corporations or their agents are no longer able to prohibit residential lessees, condominium owners or tenants from displaying signs in relation to an election on the premises to which the lease applies or in the unit which one owns.

The City's current Election Sign By-law was adopted in 2006 and regulates election signs for municipal, Provincial, and Federal elections. In past elections, staff have received election sign complaints; the proposed by-law will assist staff in handling these complaints and provides numerous enforcement tools for these types of complaints.

Staff have reviewed current legislation and other municipal by-laws regulating election signage and has drafted an updated Election Sign By-law that maintains the rights of candidates to erect signage during their campaigns while at the same time delivering appropriate enforcement to promote public safety through the reduction of driver distractions and maintaining neighbourhood aesthetics. The proposed new by-law will continue to regulate signs for elections at the municipal, Provincial, and Federal level.

Discussion:

The revised Election Sign By-law regulates the following:

- Time period that election signs may be placed and deadline to be removed.
- Signs on vehicles at voting places and City owned property.
- The City's logo, trademark and/or crest is not permitted on election signs.
- Placement and number of signs permitted for both private and public property.
- Rules regarding third party advertising as discussed above.

Time period that election signs may be placed and removed:

In the proposed By-law, candidates involved in federal or provincial election campaigns may erect election signs no earlier than the day the writ of election or by-election is issued.

As it relates to municipal elections, staff recommend that candidates be able to erect elections signs 45 days prior to voting day. In reviewing other local municipal By-laws

this recommendation is consistent with other time restrictions for erecting election signs. In the past, candidates were permitted to have signage installed at the campaign headquarters prior to the period permitted for election signs at other locations; this will practice will remain in place under the proposed new by-law.

The time period proposed in the By-law for removal of signs is within five days immediately following 11:59 p.m. of the day of the election. By-laws in other municipalities may have more restrictive timelines for the removal of election signs, however with the large geographical area of the City, staff feel five days is more appropriate and provides candidates adequate time to coordinate the removal of the signs.

Signs on Vehicles/Trailers

Elections signs placed on a vehicle or trailer would be permitted, however the vehicle would not be permitted to be parked on City owned property, within 50 metres of a voting place or on an abutting street of a voting place.

Regulations for Signs – Private and Public Property

Staff recommends that election signs be permitted on private property with the number of signs restricted to no more than 2 election signs per candidate and a maximum size of 3 square metres. Election signs supporting a candidate must be within the electoral district in which the candidate is running for office. The maximum size of 3 square metres is consistent with the size limitations in the 2006 Election Sign By-law.

The proposed By-law contains regulations that dictate distance separation from municipal highways, crosswalks, on trees and utility poles.

The intent of these provisions is an attempt to strike a balance between existing general safety provisions and somewhat reducing what residents consider the “visual clutter” associated with election signs.

The chart below illustrates major changes from the City’s 2006 Election Sign By-law and the proposed Election Sign Bylaw:

Regulation	2006	Proposed Election Sign By-law
Time Period to Erect Signs	Municipal-close of nominations Provincial/Federal – Day Writ is Issued	Municipal – 45 days prior to Voting Day (2022 – Sept 9) Provincial/Federal – Day Writ is Issued
Sign Removal	48 hours following Voting Day	5 days following Voting Day
# Of Signs Permitted	No limit	2 Election Signs per Candidate or Registered Third Party

Enforcement	Order laid with 72 hours to comply to remove a sign in violation	Sign in contravention removed without notice
Signs on Vehicles/Trailers	Prohibited on vehicles parked at a polling place	Prohibited on vehicles and trailers parked at a voting place, 50 m of a voting place, on a street abutting a voting place

Enforcement Measures – Election Sign By-law

The enforcement strategy and measures will include:

- Social media campaigns prior to elections to increase public awareness of election sign regulations.
- Candidates in the municipal election will be provided a copy of the Council adopted Election Sign By-law.
- Ensuring progressive enforcement measures are taken in accordance with the By-law Enforcement Policy adopted by Council which includes but not limited to the issuance of fines and that court summonses (Part III Offence Notices under the *Provincial Offences Act*) which are served for more egregious or repeat offences.
- By-law Enforcement will conduct additional proactive patrols and immediately impound signs which present a visibility or safety hazard.

An amendment to the Administrative Penalty Non-Parking By-law with an updated fine schedule for the Election Sign By-law will be brought to a future meeting of Council.

The proposed by-law attempts to protect public safety and public amenities, yet allow candidates in federal, provincial, and municipal election campaigns to advertise their respective campaigns.

Internal Consultations:

By-law Enforcement Services, the Manager of Roads & Parks Operations and Director of Development & Legislative Services were consulted on the proposed By-law and report and concur with the recommendations.

Financial Implications:

There are no financial impacts associated with the Election Sign By-law.

The impact of the Fees and Charges By-law amendment to allow fees for removal and storage of elections signs is undetermined but is not expected to have a significant financial impact for the City.

Public Engagement:

Notice of the proposed Election Sign By-law was provided with the circulation of the Council meeting agenda.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
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Conclusion:

Staff recommend adoption of the Election Sign By-law to regulate the placing, erecting, and displaying of elections signs within the boundaries of the City for federal, provincial, and municipal elections. Amendments to the Fees and Charges By-law will enable the City to appropriately charge for the removal and storage of elections signs in contravention of the Election Sign By-law.

Appendices:

- a. Election Sign By-law

Respectfully submitted,

Nicole Rubli
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.