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| TO: | CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON OCTOBER 24, 2017 |
| FROM: | CATHY SAUNDERS CITY CLERK |
| SUBJECT: | PROPOSED ELECTION SIGN BY-LAW |

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| RECOMMENDATION |
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That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting to be held on October 30, 2017 to repeal By-law No. E-180-305, being the "Election Campaign Sign By-law" and to replace it with a new Election Sign By-law which reflects the direction of the Municipal Council.

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| PREVIOUS REPORTS PERTINENT TO THIS MATTER |
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Corporate Services Committee – January 10, 2017 – Proposed Election Sign By-law
 Corporate Services Committee – September 12, 2017 – Proposed Election Sign By-law

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| 2015-2019 STRATEGIC PLAN |
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The City of London's Strategic Plan strategic area of focus, *Leading in Public Service* (open, accountable, and responsive government), requests Civic Administration to "explore opportunities for electoral reform" by reviewing provisions for election signage.

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| BACKGROUND |
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A draft Election Sign By-law was presented at the January 10, 2017 meeting of the Corporate Services Committee. That draft by-law addressed feedback from the 2014 Municipal Election that had been provided by both the general public and the election candidates. The most common complaints are related to the length of time election signs were posted, proximity of election signs to intersections, and election signs interfering with sight lines. The following changes were incorporated into the draft by-law to address those complaints:

1. Clearly defining election sign restrictions on all properties.
2. Restricting the earliest date for the placement of election signs to Nomination Day in the year of a regular election, excluding campaign office signs.
3. Campaign office and billboard signs will be permitted to be placed after a candidate has filed their nomination paper with the City Clerk.
4. Requiring election signs to be removed no later than seventy-two (72) hours following the day of the election
5. Prohibiting use of the City's logo or the City's Municipal Election logo on election signs.
6. Enforcement of the Election Sign By-law will be assigned to the City Clerk, City Clerk designate, and Municipal Law Enforcement Officers.
7. The City Clerk will have a written policy indicating the process for prescribing regulations related to the Election Sign By-law, including: the consultation process for developing regulations; circulation of the draft for review and comment, posting of regulations prescribed, and a process for reviewing regulations on a regular basis.

The Municipal Council, at its session held on January 17, 2017 resolved:

“That the proposed by-law included as Appendix ‘B’ to the staff report dated January 10, 2017 BE REFERRED to a future public participation meeting at the Corporate Services Committee in order to receive public input on the proposed Election Sign By-law, and the City Clerk BE REQUESTED to prepare an associated presentation that will clarify the proposed by-law in plain language in order to assist the public in the understanding of the implications of the proposed by-law.”

In accordance with the above-noted direction, a Public Participation Meeting was held before the Corporate Services Committee on February 7, 2017, subsequent to which the Municipal Council, at its meeting held on February 14, 2017, resolved:

“The City Clerk BE DIRECTED to report back with a proposed by-law that ensures that the election sign placement at intersections and adjacent to roadways is as permissive as possible without compromising public safety and remaining consistent with other traffic regulations; includes a limit, wherever possible, on the number and size of signs that can be placed on public property adjacent to roadways, in order to ensure multiple candidates can place signage within the same public area; and, only allows candidates to place their signs on public property if the property is within, or immediately adjacent to, the jurisdiction for which the candidate is running for office;”

In response to the above-noted direction, the City Clerk submitted a further staff report to the September 12, 2017 meeting of Corporate Services Committee proposing the following additional revisions to the proposed by-law:

1. Clarifying the Sight Triangle definition and election sign placement at intersections.
2. Reducing restrictions from 9 metres to 7 metres in the definition of Sight Triangle.
3. Requiring election signs of the same candidate to be at least 10 metres apart.
4. Restricting election signs from being placed outside the ward(s) where a candidate is running for office, excepting election signs placed within 50 metres of an adjacent ward.

Subsequently, the Municipal Council, at its meeting held on September 19, 2017 resolved:

“That the proposed by-law attached to the staff report dated September 12, 2017 BE REFERRED back to the City Clerk to report back with a revised proposed by-law that incorporates the following:

a) provision for election signs to be put up on private property within the candidate's electoral ward as early as the start of the campaign period, but not on public property any earlier than Nomination Day;

b) amendments to proposed clauses 2.4 and 2.5 so that they now read as follows:

“2.4 No person shall Place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.

2.5 Section 2.4 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.”; and

c) addition of the following definitions:

“Electoral District” means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons;

“Nomination Day” means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996*;

“Writ of Election” means the date as defined in the Canada Elections Act and the Elections Act (Ontario);’

it being noted that staff will consider how they can make information available to candidates so that their campaign volunteers are aware of the easiest and safest way possible for properly measuring the placement of signs.”

DISCUSSION

Based on the most recent direction from Municipal Council, the attached proposed revised by-law (Appendix “A”) has been prepared in consultation with Environmental and Engineering Services and By-law Enforcement. The revised draft by-law provides for the following:

1. New definitions of Electoral District, Nomination Day, and Writ of Election.
2. Amendments to clauses 2.4 and 2.5 to include reference to Electoral District rather than ward boundaries in order to apply and enforce the by-law in Federal and Provincial Elections.
3. Removing the Sight Triangle definition and simplifying restrictions on election sign placement by measuring from the edge of the roadway. Election signs will not be permitted within 5 metres of a roadway regardless of proximity to intersections.
4. When election signs are placed between 5 and 8 metres from the roadway the sign height will be restricted to 0.9 m and once signs are placed beyond 8 metres from the roadway their height is permitted up to 4 metres. These changes will allow candidates and their volunteers to safely measure and place signs at both intersections and along roadways while still maintaining adequate and safe sight lines.

Timeframe for Displaying Election Signs

To assist the Municipal Council in its final decision making, the City Clerk’s Office collected information from other municipalities regarding the time period election signs can be placed prior to Voting Day. The findings are attached as Appendix “B” to this report.

Of note, Ottawa is the only city that has different rules for private and public property. In Ottawa’s case the timeframe provided for the placement of election signs is 30 days prior to Voting Day on public property and 60 days prior to Voting Day on private property. For the purposes of the 2018 Municipal Election, these dates are Thursday, August 23, 2018 on private property and Saturday, September 22, 2018 on public property.

Overall, the earliest permitted placement time for Municipal Election signs was the close of nominations or Nomination Day. For the purposes of the 2018 Municipal Election, this would be Friday, July 27, 2018 or 87 days prior to Voting Day (Oakville, Kingston, Cobourg*, and Milton). The shortest permitted placement time for election signs was 24 days prior to Voting Day (Brampton) which, for the purposes of the 2018 Municipal Election, would be Friday, September 28, 2018.

It is further noted that a Provincial Election is anticipated to be held in June 2018. Given that the regulations would pertain to the Provincial Election, depending on the Municipal Council’s decision, Municipal Election signs could be placed on private property prior to the time at which Provincial Election signs could be permitted to be displayed. The Municipal Council may want to consider if that situation would ignite further complaints regarding the length of time election signs are permitted, or if it would create voter confusion. Additionally, Municipal Law Enforcement has expressed concern that extending the allowable period to display campaign signs from the period originally proposed by staff will further stretch the City’s enforcement resources.

In keeping with the September 19, 2017 direction of the Municipal Council, the attached revised proposed by-law (Appendix “C”) includes the two permitted timeframes for election signs to be displayed on private and public property. This proposed by-law would permit election signs to be placed on private property as early as a candidate files their nomination with the City Clerk. In 2018, nominations open Tuesday, May 1, 2018 or 174 days prior to Voting Day. Display of election signs on public property (roadside signs) would be permitted on Friday, July 27, 2018 (Nomination Day) which is 87 days prior to Voting Day. However, the City Clerk’s Office does encourage the Municipal Council to consider the additional information provided in this report, in order to ensure that the Municipal Council is fully satisfied with the amendments it makes to the Election Sign By-law.

During recent months, while the Municipal Council has been working to refine the Election Sign By-law, staff have also been busy refining the various processes associated with the handling of public inquiries and complaints regarding election signs, developing regulations under sections

5.2 and 5.3 of the proposed by-law, as well as the enforcement of the by-law. Elections' Office staff are working with the Municipal Law Enforcement Division and call centre, as well as Service London, to streamline the process for tracking complaints, and their resolution. The scheduled adoption of the tracking process into Customer Relationship Management (CRM) is scheduled to be complete by May 31, 2018, although it is hoped that every effort will be made to adjust that date should Council proceed with the proposed May 1, 2018 sign placement allowance on private property.

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| CONCLUSION |
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Some matters, such as the campaign period and the access and display of signs at residential premises, are addressed in the *Municipal Elections Act, 1996* and are therefore not explicitly referenced in the proposed by-law. The Election Sign By-law, once adopted by Council, will be made available to the public by means of an information pamphlet, posting on the City's website, and inclusion in an information package provided to candidates.

One of the strategies in the City of London Strategic Plan aimed at "Leading in Public Service through open, accountable, and responsive government", is to explore opportunities for electoral reform through election signage. It is hoped that the new Election Sign By-law will address concerns raised by various stakeholders and enable the City of London to administer the by-law provisions in a fair and consistent manner, all in keeping with the above-noted strategy.

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| PREPARED BY: | PREPARED BY: |
| | |
| SYLVIE LA FORGE ELECTIONS INTERN | JEANNIE RAYCROFT ELECTIONS INTERN |
| SUBMITTED BY: | RECOMMENDED BY: |
| | |
| SARAH CORMAN MANAGER, LICENSING & ELECTIONS | CATHY SAUNDERS, CITY CLERK |

APPENDIX 'A'
ELECTION SIGN BY-LAW

Bill No.
2017

By-law No. E.-_____

A by-law to repeal By-law No. E-180-305, being the
"Election Campaign Sign By-law", and to enact a
new "Election Sign By-law".

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS section 63 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, establishes that any person who contravenes any by-law of The Corporation of the City of London is guilty of an offence;

AND WHEREAS section 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person

directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Billboard" means an outdoor sign erected and maintained by a person, firm, corporation, or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

"Boulevard" means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"Candidate" means

- (i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996* as amended; and
- (ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the *Municipal Elections Act, 1996* as amended;

"City" means The Corporation of the City of London;

"City Clerk" means the City Clerk of the City or a person delegated by them for the purpose of this By-law;

"Crosswalk" means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers;

"Election Sign" means any sign, including posters, promoting, opposing or taking a position with respect to:

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;
- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;

"Electoral District" means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

"Enforcement Officer" means a Municipal Law Enforcement Officer appointed by the Municipal Council of the City;

“Median Strip” means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout;

“Nomination Day” means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996* as amended;

“Owner” means the registered Owner of the property on which an Election Sign is Placed; any person described on or whose name, image, address or telephone number appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign; and for the purposes of this By-law there may be more than one Owner of an Election Sign;

“Park” means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

“Place” means attach, install, erect, build, construct, reconstruct, move, display or affix;

“Public Property” means real property owned by or under the control of the City, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street;

“Roadway” means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

“Sidewalk” means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

“Sign Area” means the area of one side of a sign where copy can be placed;

“Sign Height” means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

“Street” means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of London and this term includes all road works and appurtenant to municipal land;

“Utility” means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

“Voting Place” means a place where electors cast their ballots and:

- (i) when a Voting Place is located on Public Property, includes any Street abutting; or
- (ii) when a Voting Place is located on private property, includes any Street abutting.

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

2. GENERAL PROHIBITIONS

2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this by-law.

2.2 No person shall Place or permit to be Placed an Election Sign that:

- (a) is illuminated;
- (b) has a Sign Area of more than 6 square metres;
- (c) interferes with the safe operation of vehicular traffic or the safety of pedestrians;
or

(d) impedes or obstructs the City's maintenance operations.

- 2.3 Subsections 2.2 (a) and (b) do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard.
- 2.4 No person shall Place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.
- 2.5 Section 2.4 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.
- 2.6 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place.
- 2.7 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

3. TIMING

- 3.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- 3.2 No person shall Place or permit to be Placed an Election Sign for a municipal election, except an Election Sign which is Placed on a Campaign Office:
 - (a) earlier than Nomination Day in the year of a regular election; or
 - (b) earlier than Nomination Day for a by-election.
- 3.3 No person shall Place or permit to be Placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the City Clerk.
- 3.4 No Owner shall fail to remove their Election Sign after the expiry of 72 hours immediately following 11:59 p.m. of the day of the election.

4. ELECTION SIGNS ON PUBLIC PROPERTY

- 4.1 No person shall Place or permit to be Placed an Election Sign on Public Property.
- 4.2 No person shall Place or permit to be Placed an Election Sign in a Park.
- 4.3 No person shall Place or permit to be Placed an Election Sign:
 - (a) in a Roadway;
 - (b) within 5 metres of a Roadway;
 - (c) between a Roadway and a Sidewalk;
 - (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - (e) in a Median Strip;
 - (f) less than 3 metres from a Crosswalk;
 - (g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;
 - (h) in a Boulevard that abuts a Park;
 - (i) within 10 metres of another Election Sign of the same Candidate.
- 4.4 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:
 - (a) of more than 0.9 metres when Placed within 5 to 8 metres of the Roadway;
 - (b) of more than 4 metres when Placed beyond 8 metres of the Roadway.

4.5 Notwithstanding subsection 4.4 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Huron Street to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway.

4.6 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.

4.7 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.

4.8 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK AND/OR ENFORCEMENT OFFICER

5.1 The City Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 The City Clerk and/or an Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the City Clerk.

5.3 The City Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under sections 5.1 and 5.2 including, without limitation, the form of and any information required to be provided to the City Clerk and/or an Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

6. ADMINISTRATION

6.1 The administration of this by-law is delegated to the City Clerk.

7. ENFORCEMENT

7.1 This by-law may be enforced by the City Clerk or an Enforcement Officer.

8. OFFENCE AND PENALTY

8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

9. SHORT TITLE OF BY-LAW

9.1 This by-law may be referred to as the "Election Sign By-law".

10. FORCE AND EFFECT

10.1 By-law E-180-305, being an Election Campaign Sign By-law and all amendments to such by-law are hereby repealed.

10.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 30, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 30, 2017
Second Reading – October 30, 2017
Third Reading – October 30, 2017

Appendix 'B'

| City | Date Amended | Timeline for Election Signs | First Day to Place Signs | Duration |
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| Ajax <i>Pop. 119,677</i> | 2013 | 6 weeks immediately preceding the day of a Municipal Election | Sunday, September 9, 2018 | 43 days |
| Brampton <i>Pop. 593,638</i> | 2013 | only erected after 5:00 p.m. twenty-four (24) days prior to Voting Day as defined in the <i>Municipal Elections Act, 1996</i> | Friday, September 28, 2018 | 24 days |
| Burlington <i>Pop. 123,180</i> | 2014 | 6 weeks immediately preceding the day of a Municipal Election | Sunday, September 9, 2018 | 43 days |
| Caledon <i>Pop. 66,502</i> | 2013 | no earlier than twenty four 24 days immediately preceding the day of a Municipal Election | Thursday, September 27, 2018 | 25 days |
| Hamilton <i>Pop. 693,645</i> | 2011 | displayed no earlier than 28 days prior to Voting Day | Monday, September 24, 2018 | 28 days |
| Barrie <i>Pop. 145,614</i> | 2012 | prior to the forty-five (45) days immediately preceding the day of a Municipal Election | Thursday, September 6, 2018 | 46 days |
| London Appendix 'A' <i>Pop. 383,822</i> | 2017 | No earlier than Nomination Day in the year of a regular election (except for Campaign Office signs which can be displayed after nomination papers are filed) | All Election Signs: Friday, July 27, 2018 Campaign Office Signs: May 1, 2018 (potentially) | 87 days 174 days |
| London Appendix 'C' <i>Pop. 383,822</i> | 2017 | <u>Private Property</u> No earlier than the day that Candidate has filed their nomination with the City Clerk. <u>Public Property</u> No earlier than Nomination Day in the year of a regular election | Private Property: Tuesday, May 1, 2018 (potentially) Public Property: Friday, July 27, 2018 | 174 days 87 days |
| Markham <i>Pop. 328,966</i> | 2010 | 28 days prior to Election Day (except where major road signs are allowed in which case it is 42 days) | Sunday, September 23 Major Road Signs: Monday, September 10, 2018 | 28 days 42 days |
| Oakville <i>Pop. 193,832</i> | 2014 | Nomination Day, as set out in the <i>Municipal Elections Act, 1996</i> | Friday, July 27, 2018 | 87 days |
| Ottawa <i>Pop. 989,567</i> | 2006 | 30 days prior to Election Day – public property 60 days prior to Election Day – private property | Saturday, September 22, 2018 Thursday, August 23, 2018 | 30 days 60 days |
| Toronto <i>Pop. 2.81 million</i> | 2017 | 25 days prior to Election Day – election signs 90 days prior to an election – campaign office signs | All Election Signs: Thursday, September 27, 2018 Campaign Office Signs: Tuesday, July 24, 2018 | 25 days 90 days |
| Region of Waterloo <i>Pop. 535,154</i> | 2010 | 45 days before Voting Day | Friday, September 7, 2018 | 45 days |
| Newmarket <i>Pop. 84,224</i> | 2016 | May not be placed before the thirty (30) days immediately preceding the day of a Municipal Election | Friday, September 21, 2018 | 31 days |
| Kingston <i>Pop. 117,660</i> | 2014 | No election sign shall be erected or displayed prior to the close of nominations for a municipal election | Friday, July 27, 2018 | 87 days |
| Cobourg <i>Pop. 19,440</i> | 2017 | <i>*Proposed September 2017:</i> Staff recommends that Election Signs be erected no earlier than Nomination Day in the Year of a Regular Election or By-Election. | Friday, July 27, 2018* | 87 days |
| Mississauga <i>Pop. 781,057</i> | 2016 | Modified from 87 days → to (29) days that precede an election day as a result of the passing of the <i>Municipal Elections Modernization Act, 2016</i> (Bill 181). | Sunday, September 23, 2018 | 29 days |
| Oshawa <i>Pop. 308,875</i> | 2014 | May not be placed before the forty-second (42nd) day prior to the last polling day for the election | Monday, September 10, 2018 | 43 days |
| Milton <i>Pop. 101,715</i> | 2017 | Following the close of nominations (except for Campaign Office signs which can be displayed after nomination papers are filed) | Friday, July 27, 2018 | 87 days |

Note: Federal and Provincial candidates are permitted to place their signs no earlier than the day the Writ of Election is issued. This provides for a duration of 28 days for Provincial Elections. The time period for signs in Federal Elections has varied in the past (78 days in 2015, 37 days in 2011, and 37 days in 2008). With an amendment to the *Canada Elections Act* in 2007, there is now a fixed-date election for the third Monday in October in the fourth calendar year following polling day for the last general election. The first fixed-date election was held in 2015.

APPENDIX 'C'
ELECTION SIGN BY-LAW

Bill No.
2017

By-law No. E.-_____

A by-law to repeal By-law No. E-180-305, being the
"Election Campaign Sign By-law", and to enact a
new "Election Sign By-law".

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health, safety and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

AND WHEREAS section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

AND WHEREAS section 63 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, establishes that any person who contravenes any by-law of The Corporation of the City of London is guilty of an offence;

AND WHEREAS section 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person

directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"Billboard" means an outdoor sign erected and maintained by a person, firm, corporation, or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

"Boulevard" means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"Candidate" means

- (i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996* as amended; and
- (ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the *Municipal Elections Act, 1996* as amended;

"City" means The Corporation of the City of London;

"City Clerk" means the City Clerk of the City or a person delegated by them for the purpose of this By-law;

"Crosswalk" means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers;

"Election Sign" means any sign, including posters, promoting, opposing or taking a position with respect to:

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;
- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996*;

"Electoral District" means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

"Enforcement Officer" means a Municipal Law Enforcement Officer appointed by the Municipal Council of the City;

“Median Strip” means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout;

“Nomination Day” means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act, 1996* as amended;

“Owner” means the registered Owner of the property on which an Election Sign is Placed; any person described on or whose name, image, address or telephone number appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign; and for the purposes of this By-law there may be more than one Owner of an Election Sign;

“Park” means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

“Place” means attach, install, erect, build, construct, reconstruct, move, display or affix;

“Public Property” means real property owned by or under the control of the City, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street;

“Roadway” means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

“Sidewalk” means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

“Sign Area” means the area of one side of a sign where copy can be placed;

“Sign Height” means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

“Street” means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the City of London and this term includes all road works and appurtenant to municipal land;

“Utility” means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

“Voting Place” means a place where electors cast their ballots and:

- (i) when a Voting Place is located on Public Property, includes any Street abutting; or
- (ii) when a Voting Place is located on private property, includes any Street abutting.

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

2. GENERAL PROHIBITIONS

2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this by-law.

2.2 No person shall Place or permit to be Placed an Election Sign that:

- (a) is illuminated;
- (b) has a Sign Area of more than 6 square metres;
- (c) interferes with the safe operation of vehicular traffic or the safety of pedestrians;
or

- (d) impedes or obstructs the City's maintenance operations.
- 2.3 Subsections 2.2 (a) and (b) do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard.
- 2.4 No person shall Place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.
- 2.5 Section 2.4 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.
- 2.6 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place.
- 2.7 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.

3. ELECTION SIGNS ON PRIVATE PROPERTY

- 3.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- 3.2 No person shall Place or permit to be Placed an Election Sign for a municipal election earlier than the day that Candidate has filed their nomination with the City Clerk.
- 3.3 No Owner shall fail to remove their Election Sign after the expiry of 72 hours immediately following 11:59 p.m. of the day of the election.

4. ELECTION SIGNS ON PUBLIC PROPERTY

- 4.1 No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election earlier than the day the Writ of Election or by-election is issued.
- 4.2 No person shall Place or permit to be Placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the City Clerk.
- 4.3 No person shall Place or permit to be Placed an Election Sign for a municipal election:
 - (a) earlier than Nomination Day in the year of a regular election; or
 - (b) earlier than Nomination Day for a by-election.
- 4.4 No Owner shall fail to remove their Election Sign after the expiry of 72 hours immediately following 11:59 p.m. of the day of the election.
- 4.5 No person shall Place or permit to be Placed an Election Sign on Public Property.
- 4.6 No person shall Place or permit to be Placed an Election Sign in a Park.
- 4.7 No person shall Place or permit to be Placed an Election Sign:
 - (a) in a Roadway;
 - (b) within 5 metres of a Roadway;
 - (c) between a Roadway and a Sidewalk;
 - (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - (e) in a Median Strip;
 - (f) less than 3 metres from a Crosswalk;
 - (g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;
 - (h) in a Boulevard that abuts a Park;

(i) within 10 metres of another Election Sign of the same Candidate.

4.8 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:

(a) of more than 0.9 metres when Placed within 5 to 8 metres of the Roadway;

(b) of more than 4 metres when Placed beyond 8 metres of the Roadway.

4.9 Notwithstanding subsection 4.4 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Huron Street to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway.

4.10 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.

4.11 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.

4.12 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK AND/OR ENFORCEMENT OFFICER

5.1 The City Clerk and/or an Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 The City Clerk and/or an Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the City Clerk.

5.3 The City Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under sections 5.1 and 5.2 including, without limitation, the form of and any information required to be provided to the City Clerk and/or an Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

6. ADMINISTRATION

6.1 The administration of this by-law is delegated to the City Clerk.

7. ENFORCEMENT

7.1 This by-law may be enforced by the City Clerk or an Enforcement Officer.

8. OFFENCE AND PENALTY

8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

9. SHORT TITLE OF BY-LAW

9.1 This by-law may be referred to as the "Election Sign By-law".

10. FORCE AND EFFECT

10.1 By-law E-180-305, being an Election Campaign Sign By-law and all amendments to such by-law are hereby repealed.

10.2 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 30, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 30, 2017
Second Reading – October 30, 2017
Third Reading – October 30, 2017