

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Michael Schulthess, City Clerk
Subject: Election Sign By-law Update
Date: January 10, 2022

Recommendation

That, on the recommendation of the City Clerk, the attached proposed by-law (Appendix 'C') BE INTRODUCED at the Municipal Council meeting to be held on January 25, 2022 to repeal By-law No. E-185-537, being the "Election Sign By-law" and to replace it with a new Election Sign By-law.

Analysis

1.0 Background Information

1.1 Background Reports

Corporate Services Committee – January 10, 2017 – Proposed Election Sign By-law
Corporate Services Committee – September 12, 2017 – Proposed Election Sign By-law
Corporate Services Committee – October 24, 2017 – Proposed Election Sign By-law
Corporate Services Committee – November 7, 2017 – Proposed Election Sign By-law
for a municipal election.

2.0 Discussion and Considerations

2.1 Current By-law and Regulation

In 2017, a substantial review of the election sign by-law was carried out by the Civic Administration, considering the feedback that had been provided by candidates, as well as the feedback received by both the Elections Office (2017 to current) and Service London (prior to 2017). The most common complaints related to the length of time election signs are posted, proximity to intersections, and sight line concerns. The new Election sign by-law came into force and effect November 2017, with the following significant changes:

- Restricts the placement of election signs for the municipal election to no earlier than Nomination Day in the year of a regular election, excluding campaign office signs.
- Restricts the placement of election signs for federal and provincial election campaigns to no earlier than the Issuance of the Writ in the year of a regular election.
- Election signs are not permitted within 3 metres of a roadway, regardless of proximity to intersections.
- Requires election signs of the same candidate to be at least 10 metres apart.
- Restricts election signs from being placed outside the ward(s) where a candidate is running for office, excepting election signs placed within 50 meters of an adjacent ward.
- Requires election signs to be removed ninety-six (96) hours after Voting Day.

2.2 By-law Review

In 2018, amendments to the *Municipal Elections Act, 1996* created a regulatory framework that requires third parties to register with a municipality if they intend to advertise in that municipality. Given the addition of third party advertising to the *Municipal Elections Act, 1996*, it is necessary for the Civic Administration to review and update the by-law to clarify and limit the placement of third party election signs in the same manner the City regulates candidate election signs.

The Civic Administration has also undertaken a review of the City’s election sign by-law with an analysis of service requests and enforcement data from the past four years. The proposed amendments to the by-law discussed later in this report are derived from updates to legislation, enforcement data, as well as public feedback obtained from an online survey available for the month of October 2021.

2.3 Public Feedback

Consultation with members of the public took place in an online survey on the Get Involved website. The survey was available from October 6 until October 31, 2021. During this time, members of the public could also provide feedback on the current election sign by-law by contacting the Elections Office in person or by phone. The survey was advertised through the City’s social media accounts, paid advertising on Twitter and Facebook, as well as an ad in the local newspaper.

The purpose of the survey was to better appreciate residents’ awareness and understanding of the current by-law and regulations for election signs, as well as capture any concerns and comments regarding election signs in London. Over 1,000 (1,007) responses were submitted to the Get Involved survey. The survey questions and results are summarized below. A detailed analysis of the survey question responses is attached to this Report as Appendix “A”.

Question 1: Do you support the use of roadside election signs in London?

Yes	32.2%
No	62.5%
Don't Know	5.3%

Question 2: Which of the statements about Election Signs do you agree with? (check all that apply)

Are distracting with I’m driving	592
Are a good way for candidates to promote their campaign	272
Are visual clutter	815
Encourage Londoners to get Involved in the election	254
Are a necessary part of a democratic election	259
Turn people off from voting	230

Question 3: During an Election, I support:

Less signs being allowed roadside	84.7%
More signs being allowed roadside	1.4%
No change to the current by-law	11.2%
I'm not sure	2.7%

Question 4: Currently, Election Signs must be removed 96 hours after Voting Day. How do you rate this time period?

Too long	50.5%
Not long enough	2.9%
Just right	42.7%
Don't know	3.9%

Question 5: Election signs are currently permitted on private property and the Road Allowance in the City of London. Do you support continuing to allow this?

Yes	42.8%
No	50.2%
Don't know	7.0%

Question 6: Election signs must be placed a minimum of 3M from the Roadway. How do you rate the current setback from the Roadway?

Just right	29.9%
Should be further back	57.1%
I'm not sure	13.0%

Question 7: Election signs of the same Candidate must currently be 10M apart from each other. How do you rate this distance??

Just right	18.2%
Should be further apart	75.0%
Don't Know	6.8%

Question 8: If you have previously submitted a concern about Election Signs to the Elections office, how did you report the concern? (check all that apply)

In person	6
Phone	18
Email	46
I have not submitted a concern	926

The survey also provided the opportunity to include general comments about election signs in the City of London. The Elections Office received over 500 text responses. In general, the most common responses indicated:

- they do not support the use of election signs for environmental reasons
- that election signs are too close to one another
- they do not support the use of election signs on public property
- they do support the use of election signs on private property
- they think the time period for removing signs is too long
- they do not support the use of election signs at intersections and street corners
- they do not support the use of election signs at all
- that election signs cause sightline issues

- that election signs are too large
- that election signs are too close to the roadway

Analysis of the survey results indicates that a majority of respondents submitted their complaint to the Elections Office via email or had not submitted a complaint previously. The Elections Office has explored options to streamline the complaints reporting process for 2022 and will work to implement them in time for the 2022 Provincial election.

2.4 Service Requests and Enforcement Data

The Elections Office has compiled service request and enforcement data regarding election signs to determine the type and number of requests received for elections conducted in 2018 (Provincial and Municipal), 2019 (Federal), and 2021 (Federal) in the City of London.

Figures 1 and 2 provides an analysis of the complaints received to the Elections Office over the past four years. The complaints are organized by the section of the by-law the complaint relates to and by ward. Periodically, a complaint was submitted to the Elections Office that does not relate to a specific section of the by-law, but the complaint still necessitated a response from Enforcement or the Elections Office. These complaints are categorized as “other” in Figures 1 and 2. Most of the “other” complaints relate to concerns regarding election signs placed on private property without the owner’s permission.

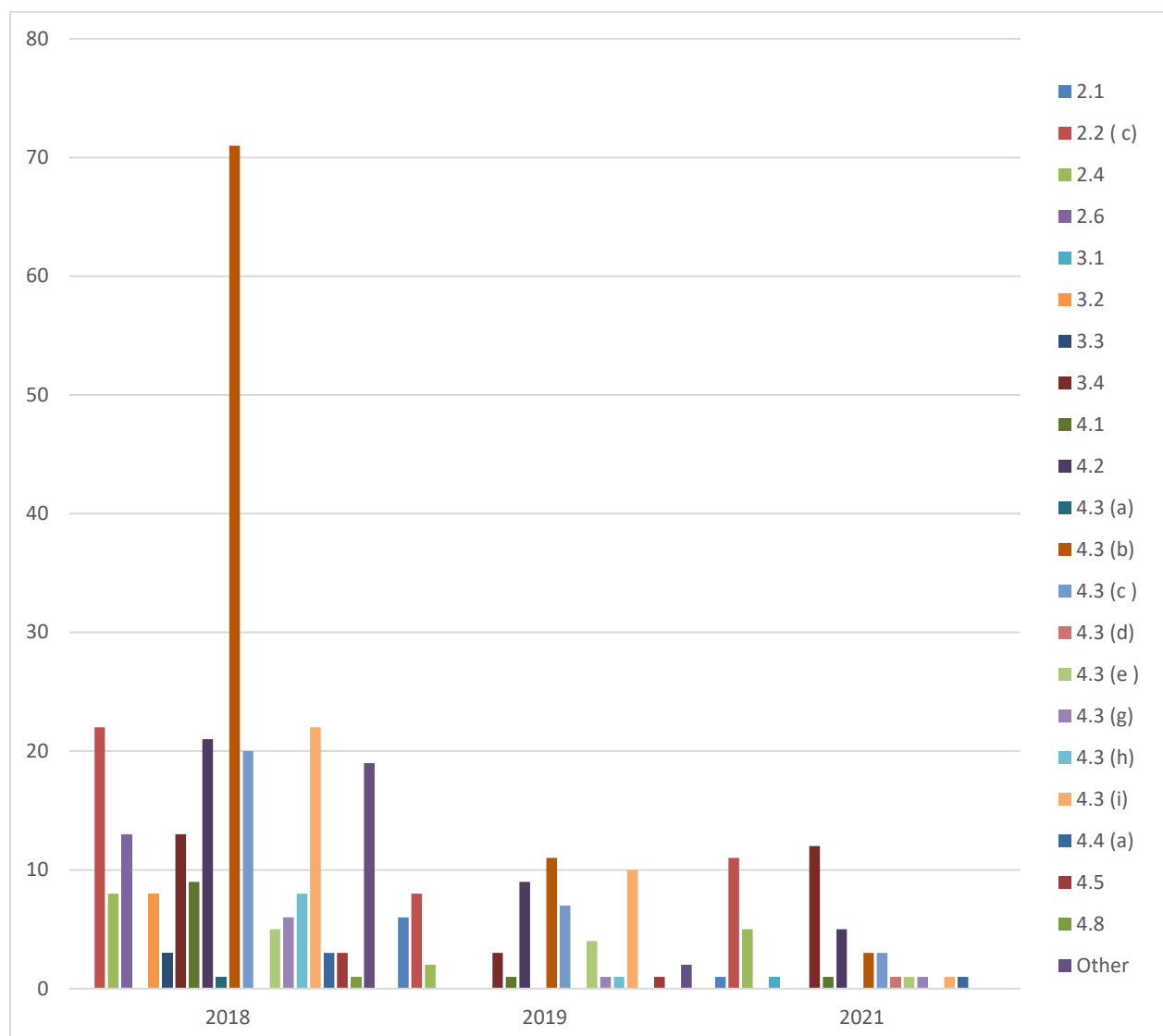


Figure 1 Election sign complaints organized by year 2018-2021

Section of By-law

Ward	2.1	2.2 (c)	2.4	2.6	3.1	3.2	3.3	3.4	4.1	4.2	4.3 (a)	4.3 (b)	4.3 (c)	4.3 (d)	4.3 (e)	4.3 (g)	4.3 (h)	4.3 (i)	4.4 (a)	4.5	4.8	Other	Total Complaints
1	1							1		2		5	5				1			1		3	19
10		8	1	2	1					4			1			2		1				1	21
11		7	1					3		5			1		1								18
12	1	1	2	3				2				6	4						1			1	21
13		1	1					1	2	4		7	1		2	2		5	1			4	31
14						3		3	1	6		5	2		3		3			2		1	29
2		2	1			2	3	2				4	1							1	1		17
3	1	4	1	1					1			11			2			3	2			4	30
4	1	4	2	3		1		4	2	2	1	18	1		1	2		9					51
5		8	2	3		1		1	1	4		13	7	1		2	2	6				4	55
6	1		2			1		1	2	2		1	3		1		1	4				1	20
7		2						3		1		5	1					3				1	16
8	1	3	1	1				5		4		8	2				2	2					29
9	1	1	1					2	2	1		2	1									1	12
Total Complaints	7	41	15	13	1	8	3	28	11	35	1	85	30	1	10	8	9	33	4	4	1	21	369

Figure 2 Election Sign complaints organized by ward and section 2018-2021

The Elections Office provided complaint and query data in a previous report to Corporate Services Committee dated February 20, 2019, which included Service Requests for election sign complaints as well as election sign questions received. Service Request data above and below includes election sign complaints only.

Analysis of Figures 1 and 2 indicates that the majority of Service Requests received by the Elections Office relate to signs on public property (section 4.3). Another common concern relates to violations of section 2.2 (c), which states no person shall place or permit to be placed an election sign that interferes with the safe operation of vehicular traffic or the safety of pedestrians. Figure 3 provides election sign complaint data organized by election. Analysis of Figure 3 indicates that the majority of Service Requests received during 2018 municipal elections indicate a violation of section 4.3 (b) which states that no person shall place or permit to be placed an election sign within three (3) metres of a roadway.

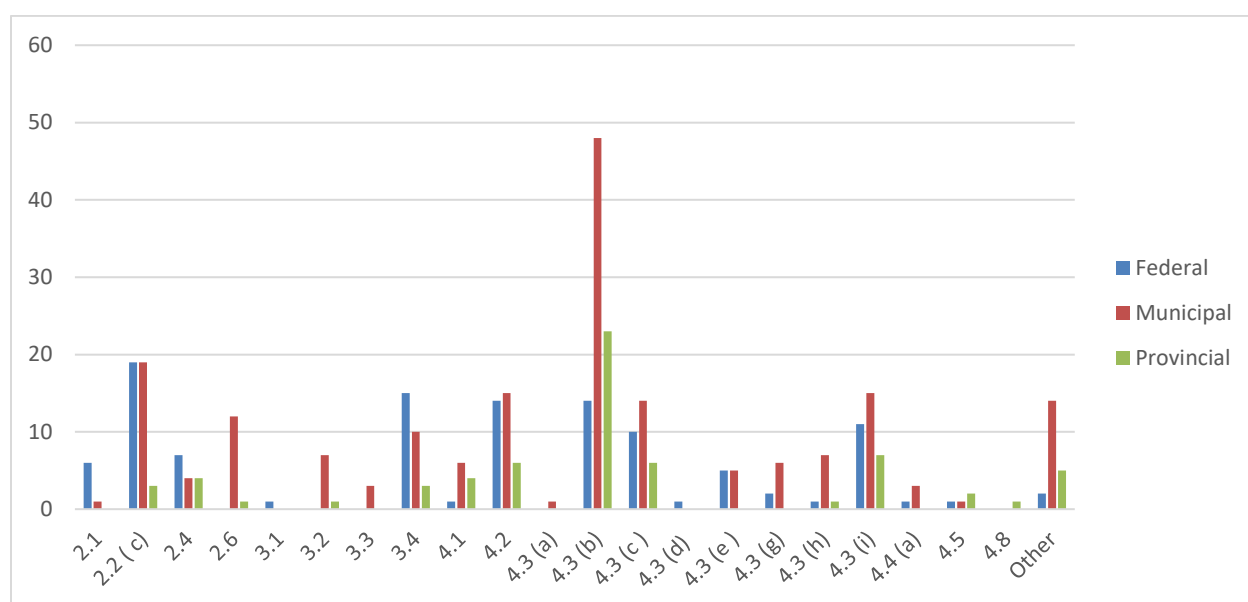


Figure 2 Election sign complaints organized by election 2018-2021

2.5 Proposed Changes

The attached proposed by-law (Appendix “B”) recommends the following changes:

- requires election signs to be placed a minimum of 5 metres from the roadway;
- restricts election signs to a maximum height of 0.9 metres measured from the ground when placed within 5 to 8 metres of the roadway;
- requires election signs to be removed 72 hours after Voting Day;
- requires election signs for the same candidate to be a minimum of 20 metres apart;
- includes definitions for third party advertisement and registered third party;
- provides necessary clarification for the definitions of election sign, campaign office, billboard election sign, public property, and owner;
- clearly defines election sign restrictions on public properties; and
- expands the City Clerk’s authority to make regulations with respect to the removal and retrieval of election signs under the by-law.

It should be noted that other related matters not addressed in the proposed by-law, such as the campaign period and the access and display of signs at residential premises are addressed in the *Municipal Elections Act, 1996* or the applicable provincial and federal legislation. The information contained in the proposed by-law adopted by the Municipal Council will be made available to the public by means of an information pamphlet, a posting on the City’s website, and will be included in an information package provided to candidates and registered third parties at time of nomination/registration. The Elections Office will attempt to contact Federal and Provincial candidates and third party advertisers with election sign information as contact information becomes available.

3.0 Financial Impact

Currently, there is no fee to place election signs in the City of London, nor is there a specific non-compliance fee for signs that contravene the by-law, however, every person who contravenes any provision of the Election Sign 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.

Conclusion

One of the goals in the City of London Strategic Plan is to increase efficiency and effectiveness of service delivery by promoting and strengthening continuous improvement practices. The proposed refinements to the Election Sign By-law will help to address resident concerns, provide necessary clarity to important information and enable civic administration to administer the by-law provisions in a fair and consistent manner.

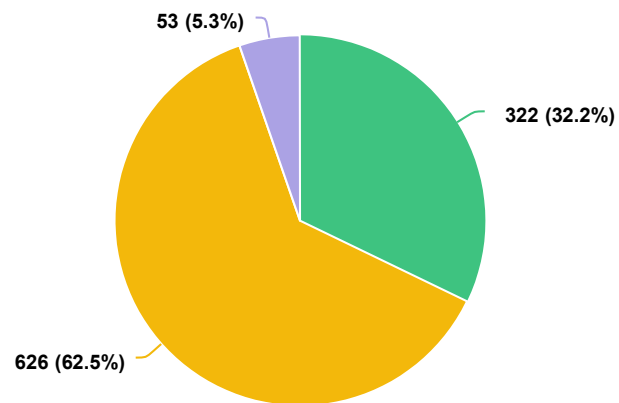
Prepared by: Jeannie Raycroft, Manager, Licensing and Elections
Submitted by: Sarah Corman, Manager II, Licensing and Elections
Recommended by: Michael Schulthess, City Clerk

Election Signs Survey

SURVEY RESPONSE REPORT

PROJECT NAME:
Election Signs

Q1 Do you support the use of roadside Election signs in London?



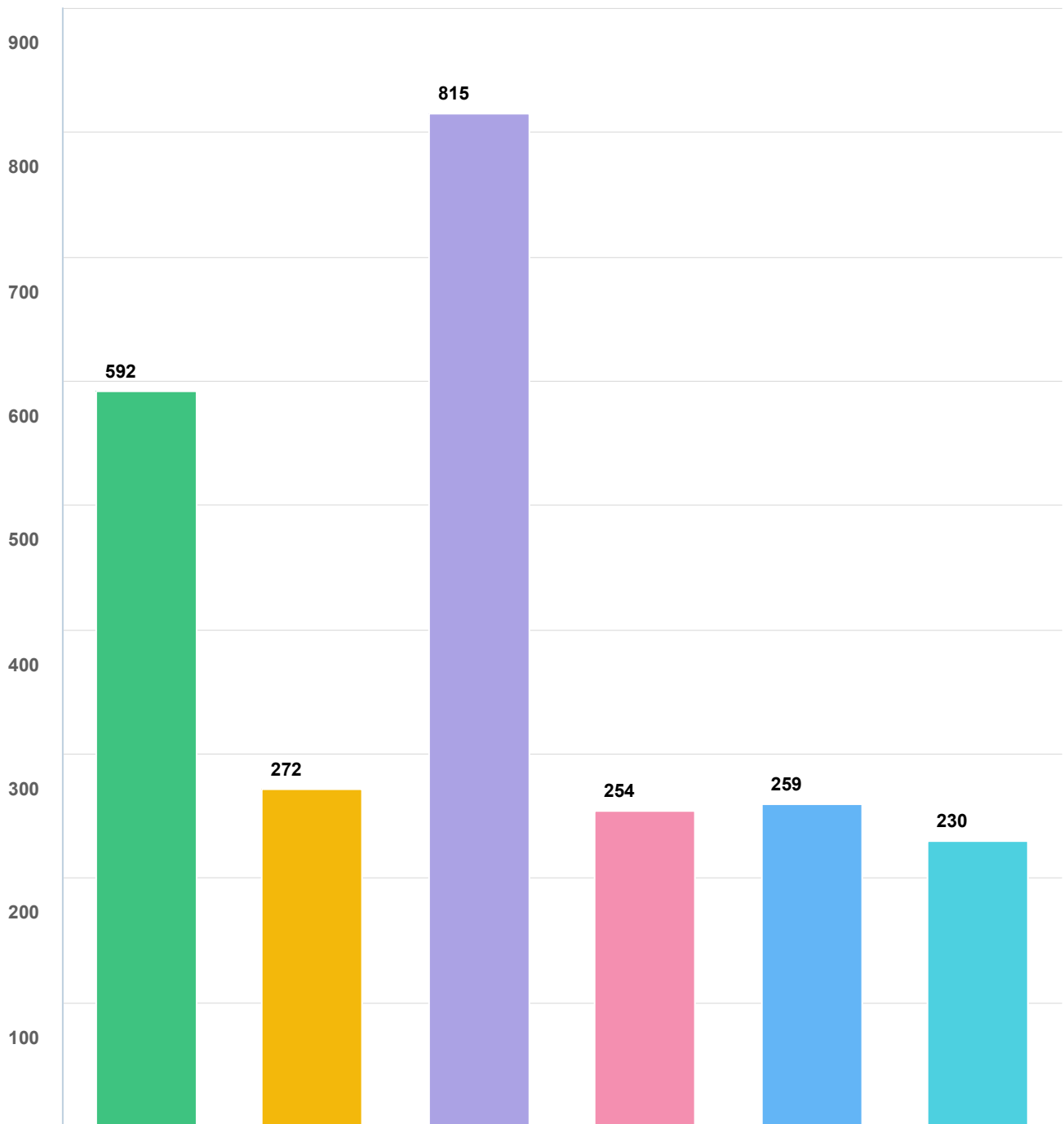
Question options

- Yes
- No
- Don't know

Optional question (1001 response(s), 6 skipped)

Question type: Radio Button Question

Q2 Which of the following statements about Elections signs do you agree with? (Check all that apply)



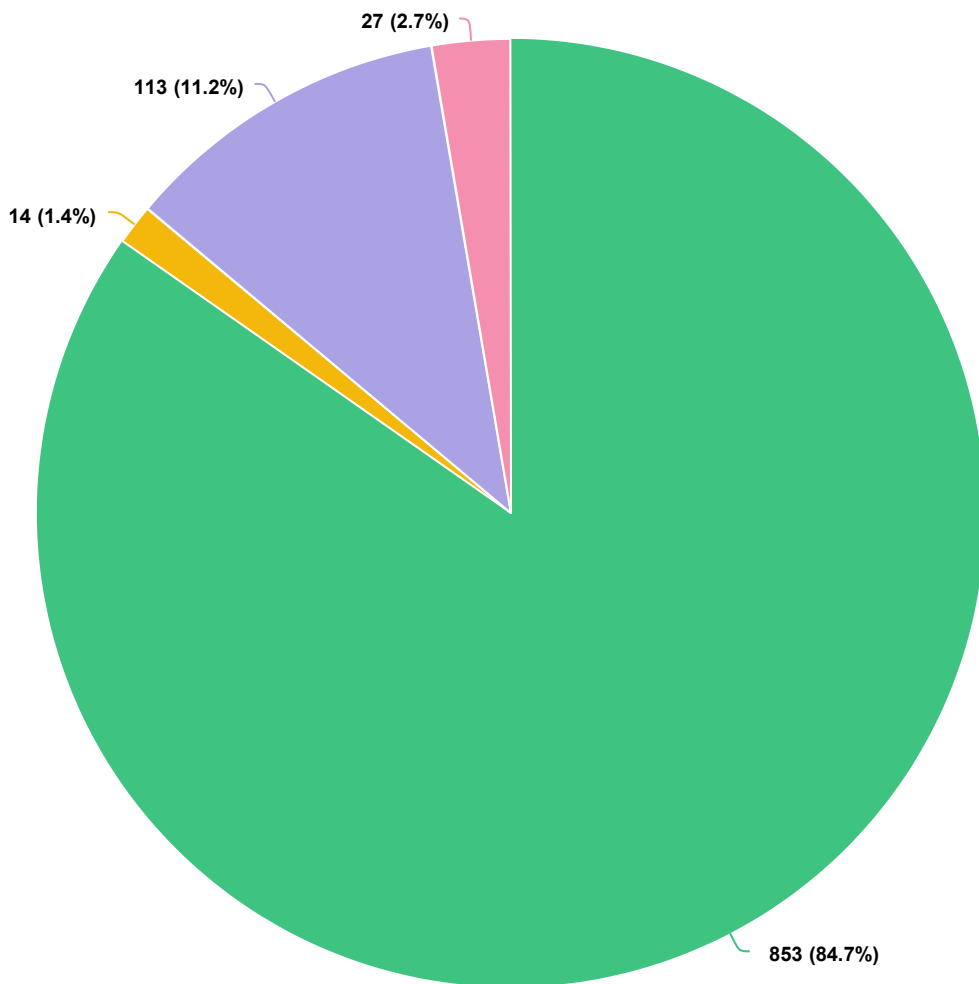
Question options

- Are distracting when I'm driving
- Are a good way for candidates to promote their campaign
- Are visual clutter
- Encourage Londoners to get involved in the election
- Are a necessary part of a democratic election
- Turn people off from voting

Optional question (1005 response(s), 2 skipped)

Question type: Checkbox Question

Q3 During an election, I support:

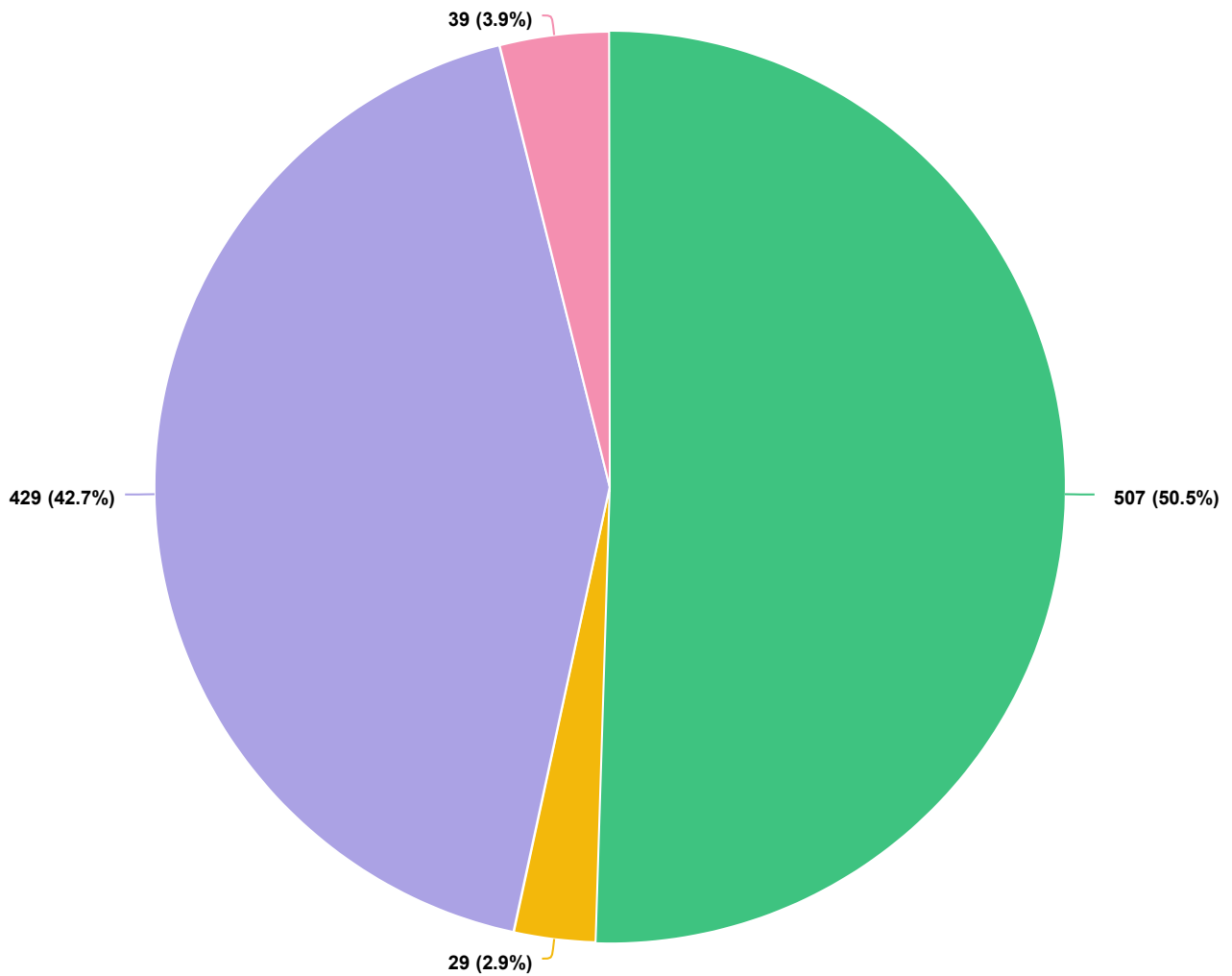


Question options

- Less signs being allowed roadside
- More signs being allowed roadside
- No change to current by-law
- I'm not sure

Optional question (1007 response(s), 0 skipped)
Question type: Radio Button Question

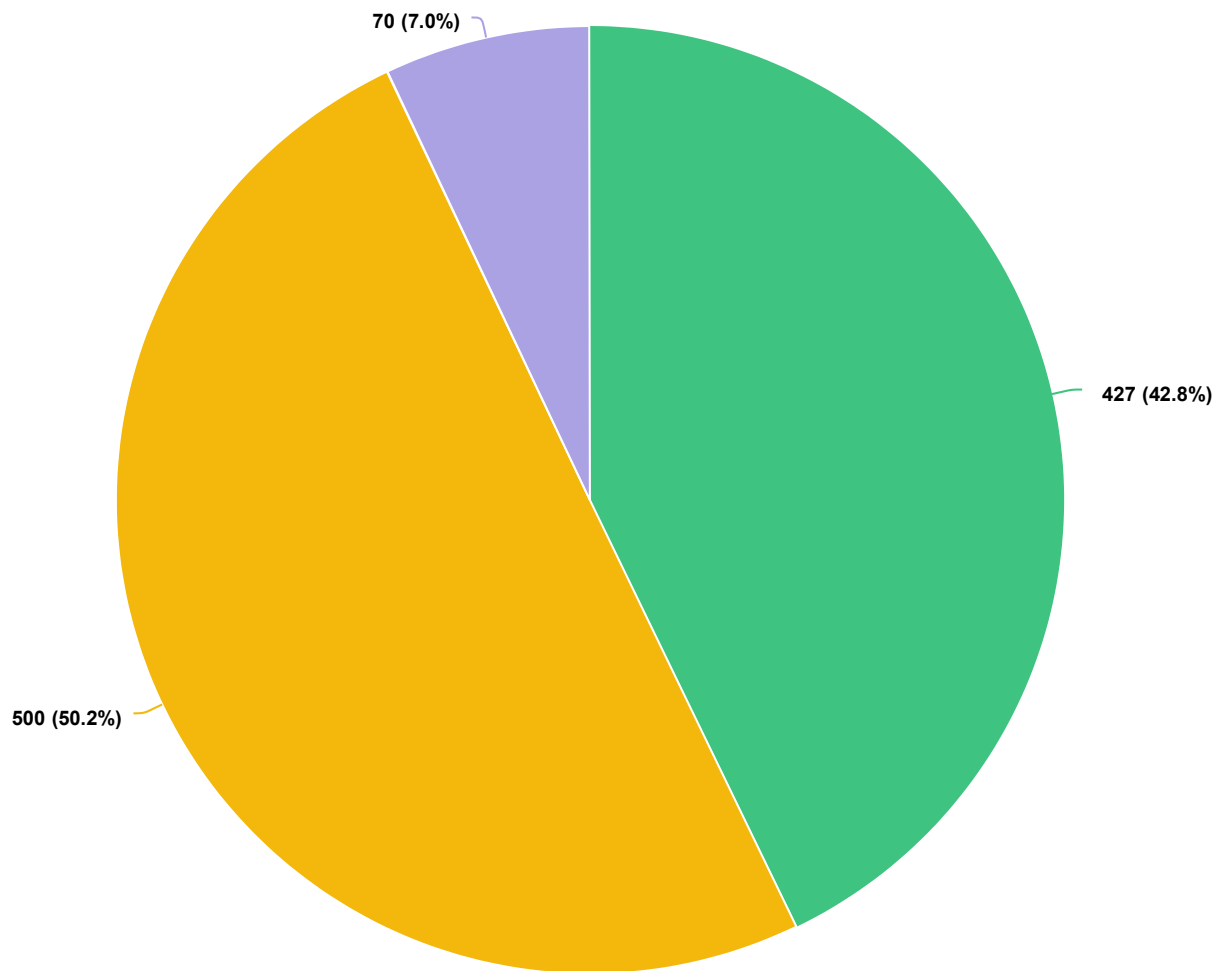
Q4 | Currently, Election signs must be removed a maximum of 96 hours after Voting Day. How do you rate this time period?



Question options

- Too long
 - Not long enough
 - Just right
 - Don't know
-

Q5 Election signs are currently permitted on private property and on the Road Allowance in the City of London. Do you support continuing to allow this?

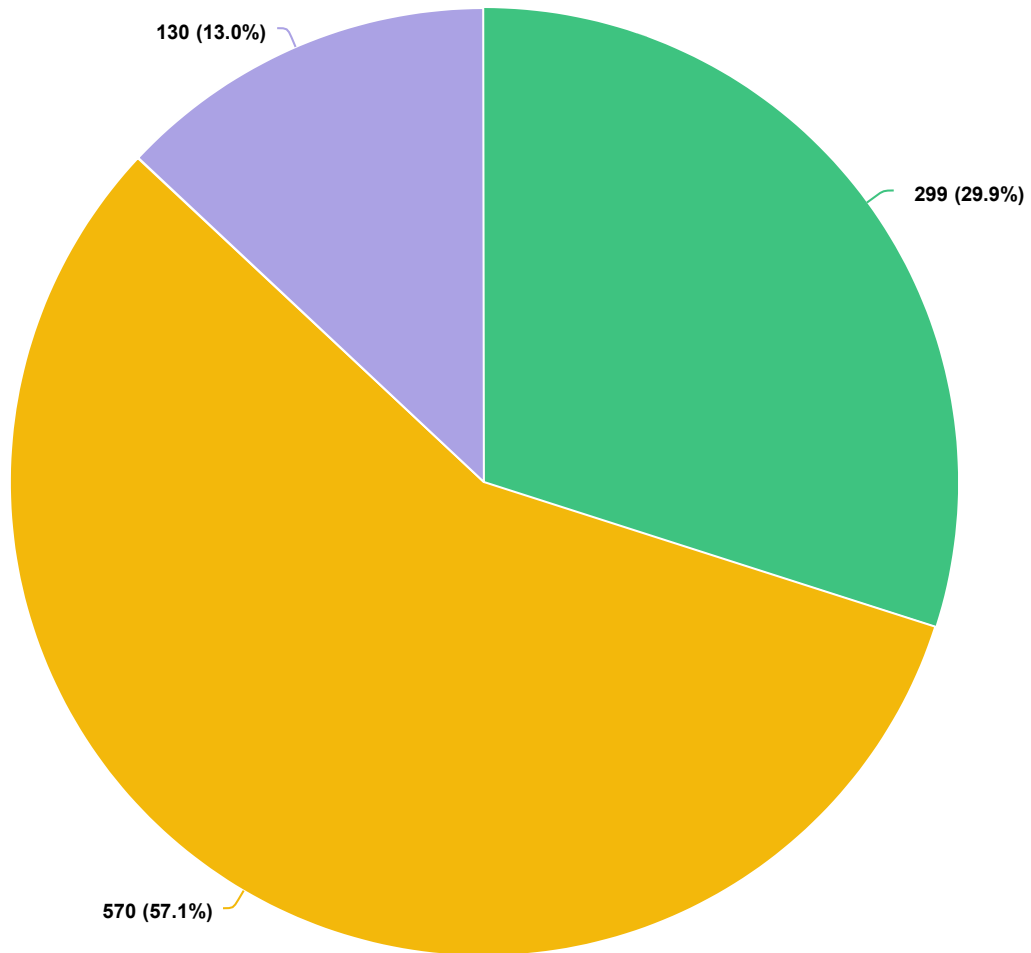


Question options

- Yes
- No
- I don't know

Optional question (997 response(s), 10 skipped)
Question type: Radio Button Question

Q6 Election signs must be placed a minimum distance of 3M from the Roadway. How do you rate the current set back from the Roadway?

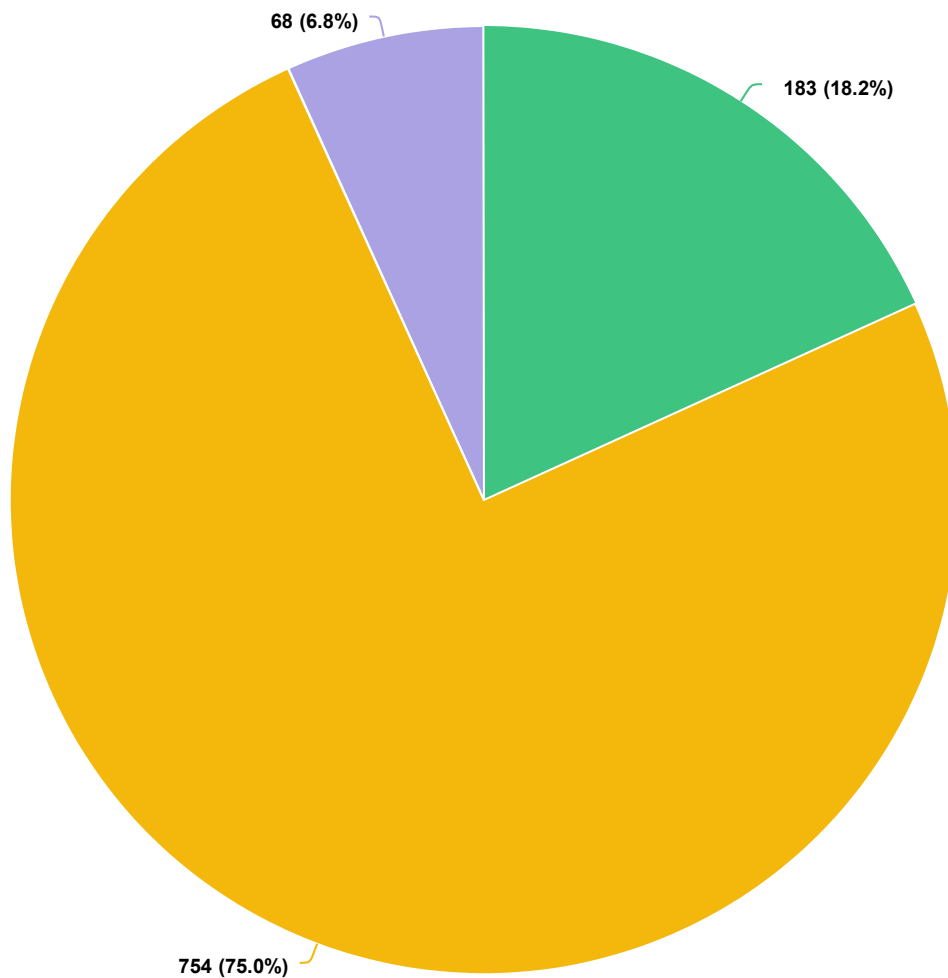


Question options

- Just right
- Should be further back off the road
- I'm not sure

Optional question (999 response(s), 8 skipped)
Question type: Radio Button Question

Q7 | Election signs of the same Candidate must currently be 10M apart from each other. How do you rate this distance?

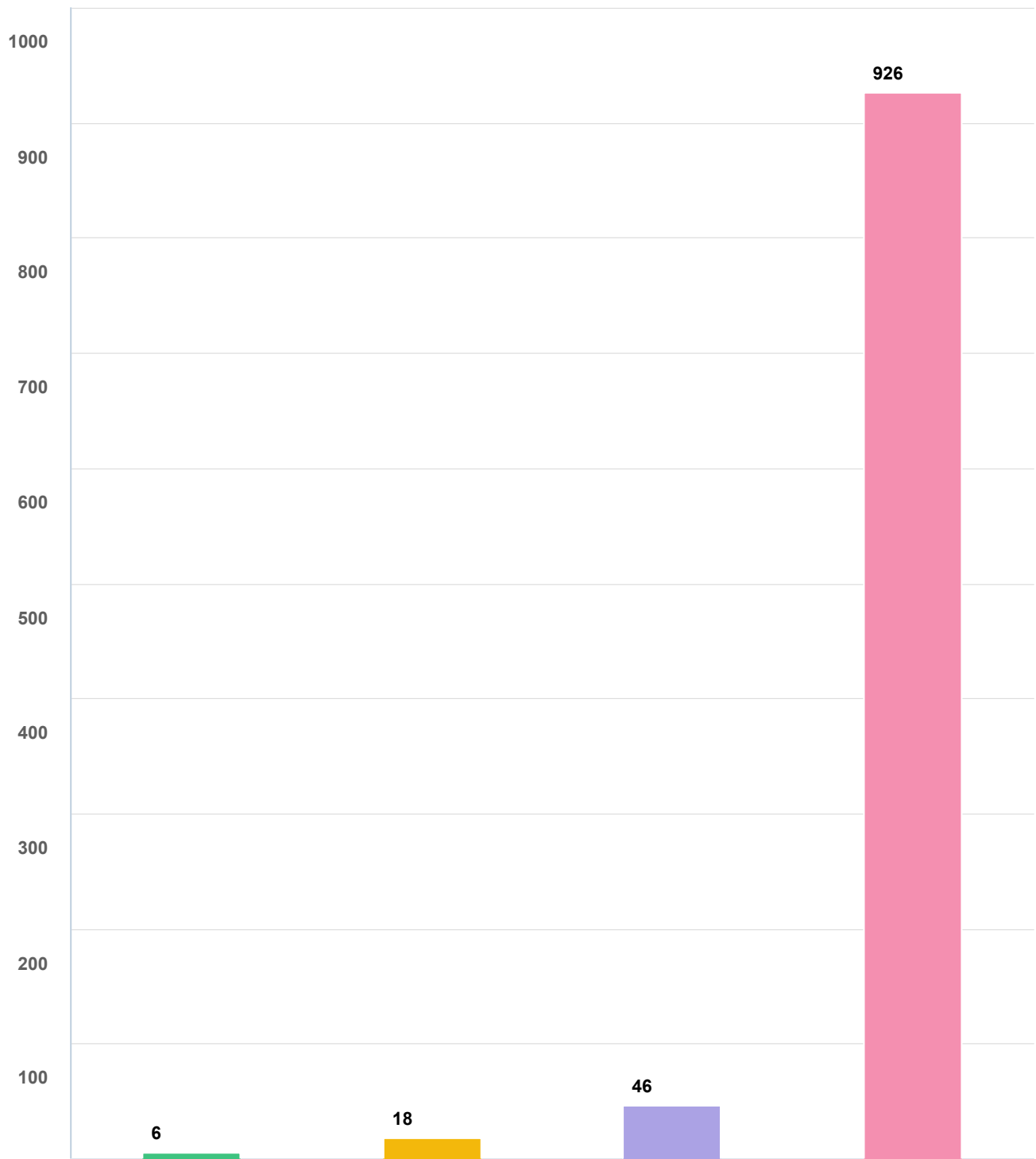


Question options

- Just right
- Should be further apart
- Don't know

Optional question (1005 response(s), 2 skipped)
Question type: Radio Button Question

Q8 If you have previously submitted a concern about Election Signs to the Elections Office, how did you report the concern?



Question options

- In person
- Phone
- Email
- I have not submitted a concern

Optional question (984 response(s), 23 skipped)
Question type: Checkbox Question

Appendix 'B'

Bill No.

By-law No. E.-

A by-law to repeal By-law No. E.- 185-537 being the "Election 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 responsible for a business, firm, or corporation, or business engaged in the sale or rental of the space on the billboard to a Candidate or Registered Third Party for the purposes of advertising, 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*;

~~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 onea building or structure, or part of onea 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*;

For the purposes of clarification, “Election Sign” includes “Billboard Election Sign”

“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 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. For the purposes of this By-law there may be more than one Owner of an Election Sign;~~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 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. Public Property shall be deemed to include public utilities facilities, and shall also be deemed to include, benches, municipal garbage containers or other structures located on a Street.~~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;~~

“Registered Third Party” means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, 1996

“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; or

(e) does not identify who is responsible for the messaging.-

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 on or in a Voting Place on any Advance Vote Day or Voting Day. 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.~~

2.5 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~~96 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 on a Street outside of the Electoral District where the Candidate is running for office.

4.4 Section 4.3 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.

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

- (a) in a Roadway;
- (b) within ~~53~~ 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 ~~53~~ 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) on a Street within ~~2040~~ metres of another Election Sign of the same Candidate.

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

- (a) of more than ~~0.91-8~~ metres when Placed within ~~53~~ to 8 metres of the Roadway;
- (b) of more than 4 metres when Placed beyond 8 metres of the Roadway.

4.75 Notwithstanding subsection 4.6 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Clarke Road to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway. ~~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.~~86~~ No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.

4.~~97~~ 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.~~108~~ 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 removal, 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 No. ~~E.-185-537~~~~E.-180-305~~, being the “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

Mayor

Michael
Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –

Appendix 'C'

Bill No.

By-law No. E.-

A by-law to repeal By-law No. E.- 185-537 being the "Election 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 responsible for a business, or corporation engaged in the sale or rental of the space on the billboard to a Candidate or Registered Third Party for the purposes of advertising, 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*;

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

“Campaign Office” means one building or structure, or part of one 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*;

For the purposes of clarification, “Election Sign” includes “Billboard Election Sign”

“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 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. 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 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. Public Property shall be deemed to include public utilities facilities, and shall also be deemed to include, benches, municipal garbage containers or other structures located on a Street.

“Registered Third Party” means any individual, corporation or trade union registered in accordance with Section 88.6 of the *Municipal Elections Act, 1996*.

“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; or

(e) does not identify who is responsible for the messaging.

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 on or in a Voting Place on any Advance Vote Day or Voting Day.

2.5 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 on a Street outside of the Electoral District where the Candidate is running for office.

4.4 Section 4.3 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.

4.5 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 5 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) on a Street within 20 metres of another Election Sign of the same Candidate.

4.6 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.

4.7 Notwithstanding subsection 4.6 (b), on Highbury Avenue from Hamilton Road to Wilton Grove Road and Veteran's Memorial Parkway from Clarke Road to Wilton Grove Road, no person shall Place or permit to be Placed an Election Sign within 10 metres from the Roadway.

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

4.9 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.

4.10 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 removal, retrieval and destruction of Election Signs 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 No. E.-185-537, being the "Election 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

Mayor

Michael
Schulthess
City Clerk

First Reading –
Second Reading –
Third Reading –