

Report to Corporate Services Committee

To: Chair and Members
Corporate Services Committee
From: Michael Schulthess, City Clerk
Subject: Election Sign By-law Update
Date: February 28, 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 March 22, 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.

Corporate Services Committee – January 10, 2022 – Election Sign By-law Update

2.0 Discussion and Considerations

2.1 Election Sign By-law Review

The Civic Administration has 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 provided below 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.

A draft Election Sign By-law was presented at the January 10, 2022 meeting of the Corporate Services Committee. That draft by-law addressed service requests and by-law complaints from the 2018 Municipal Election. 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:

- 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.

The Municipal Council, at its session held on January 25, 2022 resolved:

“That the draft by-law BE REFERRED back to the Civic Administration in order to consider the following changes to the draft by-law:

- a) maintaining the setback distance at the current at 3metres (section 4.5 b);
- b) maintaining the current removal period at 96hrs (section 3.4);
- c) incorporate clarification around signage of a campaign office, that allows signs on the property without being physically attached to the building;
- d) maintaining the height restriction at the 1.8m in the 5-8m of the roadway regulation (section 4.6 a);
- e) amend the distance between election signs of the same candidate to 100 metres (section 4.5 i);
- f) change the election sign permission to be placed no earlier than 1 week prior to nomination day for nominated candidates;
- g) it being noted that there will be a report back to the Corporate Services Committee with respect to the above-noted proposed changes, as well as information related to impacts of any proposed changes.”

2.2 City Clerk’s Office Impact Assessment and Comparator Review

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, as well as the required removal period for election signs after Voting Day. The findings are attached as Appendix “A” to this report. Contained in the comparator review are the three largest Ontario municipalities in terms of both population and land size (Ottawa, Toronto and Sudbury) as well as southwestern Ontario municipalities in close proximity to London (Sarnia, Guelph, Middlesex Centre, Milton, Brantford, Cambridge, Chatham-Kent, Hamilton¹ and Kitchener).

Generally, with one exception, the earliest permitted placement time for municipal election signs on public property was Nomination Day. For the purposes of the 2022 Municipal Election, this would be August 19, 2022.

The shortest permitted placement time for election signs was 25 days prior to Voting Day (Toronto) which, for the purposes of the 2022 Municipal Election, would be Thursday, September 29, 2022.

2.3 Transportation and Mobility Impact Assessment

At the Municipal Council’s request, Transportation and Mobility explored providing information related to the impacts of the proposed changes. Specifically, the impacts of restricting elections signs within 5 metres of the roadway (edge of the road) and restricting sign height to 0.9 metres when an election sign is placed 5 to 8 metres of the roadway (edge of the road) was reviewed. It was determined that to provide an accurate assessment that a manual review of street by street to determine where signs could be placed would be required. Transportation and Mobility does not have the resources currently to complete the assessment within the required timelines. Based on this, Transportation and Mobility indicates their support for maintaining the current 3 metre setback and sign height restrictions.

2.4 Proposed Changes

Based on the most recent direction from Municipal Council, the attached proposed revised by-law (Appendix “C”) has been prepared in consultation with Transportation and Mobility and By-law Enforcement. For your convenience, a draft by-law with

¹ Hamilton’s Election Sign By-law is currently under review.

marked changes is attached as Appendix “B”. The revised draft by-law provides for the following:

1. Amended section 2.4 of to permit election signs on the property where the Campaign Office is situated without being physically attached to the building.
2. Amended section 4.5 (i) to be 100 metres between election signs of the same candidate.
3. Amended section 3.2 (a) to permit election signs to be placed one week prior to Nomination Day.

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 the 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, Deputy City Clerk
Recommended by: Michael Schulthess, City Clerk

- c. **Shane Maguire, Division Manager – Roadway Lighting and Traffic Control**
Heather Chapman, Manager, Community Compliance and Animal Welfare Services

Appendix “A”

Municipality Comparator Review

Municipality	When can signs be placed for a municipal election?	When must signs be removed?	Number of Days Sign is Allowed to be Posted
Ottawa	60 days prior to Election Day (private property) 30 days prior to election day (public property)	All election signs must be removed 48 hours after Voting Day	Private property: 62 days Public Property: 32 days
Sudbury	Day after Nomination Day	Within 48 hours after Voting Day	68 days total
Toronto	25 days prior to Voting Day	In all cases, election signs must be removed within 72 hours after the end of voting on Election Day	29 days total
Sarnia	Once Candidate files their nomination papers	Must be removed one week (7 days) after Voting Day	First day nomination (May 2-October 31): up to 183 days total
Guelph	45 days prior to Voting Day or the Issuance of the Writ	Every Owner shall remove all the Owner’s Election Signs within 72 hours immediately following 11:59 p.m. of the day of the election	51 days total
Middlesex Centre	60 days prior to Voting Day	Must be removed within 24 hours of an election	62 days total
Hamilton * proposed	28 days prior to Voting Day	72 hours after 11:59 on Voting Day	32 days total
Cambridge	45 days prior to Voting Day	72 hours after Voting Day	49 days total
Milton	45 days prior to Voting Day	72 hours after Voting Day	49 days total
Brantford	Close of Nominations	The latest date and time on which election signage may be removed is 16:30 hours on the 3rd day following Election Day	70 days total
Kitchener	45 days before the election	72 hours after Voting Day	49 days total
City of London	One Week prior to Nomination Day (August 12, 2022)	96 hours after Voting Day	78 days total

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;

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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 one building or structure, or part of one building or structure, used by a Candidate or Registered Third Party 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

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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;

“**Property**” means property as defined by the Land Titles Act, 1990.

“**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,~~

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~~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 without permission of the owner of the Property.

2.~~3~~ 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.~~4~~ Subsections 2.2 (a) and (b) do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard. Subsections 2.3 (a) and (b) do not apply to an Election Sign promoting a Candidate on the Property on which the Campaign

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Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand.

~~2.54 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.~~

2.65 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 or on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand:

(a) earlier than one week prior to 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 or Registered Third party has filed their nomination or registration with the City Clerk.

3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

4. ELECTION SIGNS ~~ON PUBLIC PROPERTY~~ PLACEMENT

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 3 metres of a Roadway;

(c) between a Roadway and a Sidewalk;

(d) that impedes or obstructs the passage of pedestrians on a Sidewalk;

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- (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) on a Street within 10040 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 1.8 metres when Placed within 3 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.

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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.-185-537E.-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;

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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 or Registered Third Party 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;

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“**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;

“**Property**” means property as defined by the Land Titles Act, 1990.

“**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;

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“**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 without permission of the owner of the Property.

2.3 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.

2.4 Subsections 2.3 (a) and (b) do not apply to an Election Sign promoting a Candidate on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand.

2.5 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.

2.6 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.

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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 or on the Property on which the Campaign Office sits provided the written consent of the owner of the Property is obtained and furnished to an Enforcement Officer upon demand:

(a) earlier than one week prior to 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 or Registered Third party has filed their nomination or registration with the City Clerk.

3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

4. ELECTION SIGN PLACEMENT

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 3 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) on a Street within 100 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 1.8 metres when Placed within 3 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.

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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 –

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Second Reading –
Third Reading –