

To: Corporate and Finance Services Committee

From: Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.

Report Number: CF-23-34

Date of Report: April 12, 2023

Date of Meeting: April 17, 2023

Subject: Review and Proposed Replacement of the Election Sign By-law

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this report is to review the City's existing Election Sign By-law 42-2014, as amended ("By-law 42-2014") and to propose a modernized by-law that will prohibit election signs on public property and provide greater enforcement capabilities to the City in order to maintain fair and equitable elections.

Attachment 1 is the existing Election Sign By-law 42-2014.

Attachment 2 is the new draft Election Sign By-Law.

2.0 Recommendation

That the Corporate and Finance Services Committee recommend to City Council:

1. That in accordance with Report CF-23-34 dated April 12, 2023 concerning a review and proposed replacement of the By-law 42-2014, Council pass a new Election Sign By-law as set out in Attachment 2 to this report and in a form and content acceptable to the City Solicitor and the City Clerk; and,
2. That By-law 42-2014, as amended, be repealed.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

- Legal Services
- Municipal Law Enforcement and Licensing Services
- All Durham Region municipalities
- Municipalities: Barrie, Brampton, Burlington, Kingston, Markham, Niagara Falls, Oakville, St. Catharines, Windsor.
- Feedback received during the 2022 Municipal and School Board Elections.

5.0 Analysis

5.1 Background

Section 11 of the Municipal Act, 2001, S.O. 2001 c. 25 (“Municipal Act, 2001”) authorizes municipalities to pass by-laws respecting signs, including the placement, location and removal of signs in the municipality.

In 2014, Council passed By-law 42-2014 being a by-law to regulate election signs with the short title of “Election Sign By-law” (Attachment 1). By-law 42-2014 regulates election signs on public and private property, generally allowing for placement on both subject to restrictions on timing, size and location. This by-law regulates the placement of all election signs, including those for municipal, provincial and federal elections.

Under By-law 42-2014, election signs on City property that are found to be in violation of the by-law’s restrictions may be immediately removed by the City. If the City finds an election sign on private property to be in contravention of By-law 42-2014 law, the City may issue an order to have the sign removed. Any signs removed by the City are stored at a City Facility until seven (7) days after the last polling day for the election, after which the City may dispose of any signs remaining. Candidates may retrieve their signs during this period without the requirement to pay a fee or fine. The Election Sign By-law does not provide for any fees, fines or other payment types associated with any of the requirements under By-law 42-2014.

In September 2017, Council passed resolution CM-17-24 to review the Election Signs By-law to ensure the regulations remained relevant to the Oshawa community ahead of the 2018 Municipal Election.

On June 18, 2018, the Corporate Services Committee considered Report CORP-18-43 (available online at: http://app.oshawa.ca/agendas/Corporate_Services/2018/06-18/REPORT_CORP-18-43.pdf) which included a revised by-law. On June 25, 2018, Council considered a recommendation by the Committee that Council adopt the amending by-law, with the following further amendments:

- a. That a maximum storage fee of \$5.00 per sign, per day be charged to an upset limit of \$150.00 regardless of the number of signs at the end of the campaign period; and,

- b. That notification be given to candidates whose signs are removed and a two (2) business day time limit be provided to pick up those signs without storage fees being applied; and,
- c. That the removal of election signs after the election remain at seven (7) days.

The recommendation lost and no further amendment or amending by-law was considered or passed.

In June 2022, the Election Sign By-law was amended to replace the phrase “City Road” with the phrase “City or Regional Road” to address the delegation of both provisions and enforcement by the Region of Durham’s Temporary Sign By-law to the Area Municipalities. Given the Region’s delegation and the City’s amendments, all City and Regional roads within the City of Oshawa are now subject to the City’s Election Sign By-law.

5.2 2022 Municipal and School Board Elections

During the 2022 Municipal and School Board Elections, the City enforced the Election Sign By-Law on both a complaint-driven and proactive basis. Legislative Services received 94 complaints related to election signs and caused the removal of 26 election signs. Municipal Law Enforcement received 277 complaints and removed 816 signs, 754 of which were retrieved by candidates, while the remaining 62 were disposed of by the City.

The most common reason for election sign removal was placement of signs too close to a highway followed by placement of election signs outside the allowed time frame. On Voting Day (October 24, 2022), staff removed many signs from voting locations throughout the City. Staff were unable to record the total number of signs which were removed due to the volume; however, many complaints were received by Legislative Services staff and removed by Municipal Law Enforcement Officers. In addition, Election Officials removed signs in front of or within their respective voting places.

The table below captures the type and number of each violation that was recorded between Nomination Day (May 2, 2023) and Voting Day. Election signs collected after Voting Day are also not reflected in this table.

Violation	Number of Signs Removed
Closer than one (1) metre from curb or two (2) metres where there is no curb	441
Outside of appropriate time	176
On boulevard, island or median	93
Placed at an Advanced Voting Location during Advance Voting hours	37
Interferes with traffic sign	27
Exceeds size standards (over height)	14
Placed on private property without permission	11
Sight obstruction	7
On City premises	6
Sign down on ground	4
Health and safety	1
Placed at a Voting Location on Voting Day	Unknown

5.3 Considerations

The City has not made significant updates to the Election Sign By-law since its adoption in 2014. Feedback received regarding the by-law has indicated a need for stricter regulations on the placement of signs in the City and the implementation of stronger enforcement including fees and/or fines related to non-compliance. The current by-law does not provide penalties for non-compliance or violations other than removal.

The introduction of regulations within the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched. (“Municipal Elections Act, 1996”) with regard to Third Party Advertisers also prompts a need to update and modernize the by-law. The current by-law makes no reference to Third Party Advertisers as it was passed prior to regulations concerning Third Party Advertisers in the Municipal Elections Act.

It is important to recognize that election signs remain an important communication tool for many candidate’s campaigns. Signs play a role in making the voting public both aware of the candidates in their area and signal that there is an upcoming election. However, it is

appropriate to update the City's election sign regulations to allow for continued promotion of candidates and elections while ensuring the needs, interests and safety of residents, election participants and the City are respected.

The review of the City's Election Sign By-law has been conducted with the following goals in mind:

- Balance interests of public, election participants and the City to ensure an equitable election process;
- Ensure public health and safety is provided for and protected;
- Clarify and simplify language and formatting to improve compliance;
- Modernize the by-law to reflect changes to the Municipal Election Act; and,
- Provide standards that establish a consistent, fair and unbiased process.

To achieve these goals, the by-law was reviewed and benchmarked against other municipalities based on but not limited to the following provisions:

- Allowance of signs on public property;
- Allowance of signs on private property;
- Restrictions on the placement of signs according to voting areas such as associated wards and ridings;
- Restrictions on the placement of signs with regard to public infrastructure;
- Time restrictions on placement both before and after voting day;
- Size restrictions including height, width and area;
- Materials used and content included in the construction of election signs;
- Other types of election signs such as vehicle signs and campaign office signs;
- Enforcement practices;
- Penalties, fees and fines payable; and,
- Retention periods and destruction practices.

A summary of this benchmarking exercise is presented in Section 5.4 of this report.

Staff have not considered a City-wide prohibition of election signs although other municipalities have considered and approved total prohibition based on environmental concerns, election signs being a public nuisance, and the shift to digital and social media platforms.

5.4 By-law Comparison

The following table compares key items contained in the by-laws of the comparison group of municipalities listed in Section 4.0, the City's current Election Sign By-law and the proposed Election Sign By-law.

Item	Comparison Municipalities (9)	Durham Municipalities (7)	Oshawa's Current By-law	Oshawa's Proposed By-law
Placement of Election Signs on Public Property	5 of 9 municipalities prohibit election signs on public property	3 of 7 municipalities prohibit election signs on public property Whitby allows signs on public property but on specified boulevards only	Election signs allowed on public property with certain restrictions	Prohibits election signs on public property
Placement of Election Signs on Private Property	8 of 9 municipalities allow election signs on private property	All municipalities allow election signs on private property	Election signs allowed on private property	Election signs allowed on private property
Ward/Riding Restrictions	3 of 9 municipalities prohibit election signs outside of the ward or riding where the candidate is running	4 of 7 municipalities prohibit election signs outside of the ward or riding where the candidate is running	None	Election signs outside of the ward or riding where the candidate is running are prohibited
Display Period for Municipal Elections	<ul style="list-style-type: none"> • No sooner than 24-60 days prior to voting day • No later than 2-7 days after voting day • Some municipalities also include a time of day 	<ul style="list-style-type: none"> • No sooner than 25-48 days prior to voting day • No later than 2-7 days after voting day • 6 of 7 municipalities have a deadline of 2-3 days after voting 	<ul style="list-style-type: none"> • No sooner than 42 days prior to voting day • No later than 7 days after voting day 	<ul style="list-style-type: none"> • No sooner than 10:00 a.m. 42 days prior to voting day • No later than 3 days after voting day

Item	Comparison Municipalities (9)	Durham Municipalities (7)	Oshawa's Current By-law	Oshawa's Proposed By-law
Other Types of Election Signs Covered	Most cover: <ul style="list-style-type: none"> • Campaign Offices • Third Party Advertisers • Vehicle Signs 	Most cover: <ul style="list-style-type: none"> • Campaign Offices • Third Party Advertisers • Vehicle Signs 	Vehicle Signs (Sec. 4 d) Inside of Buildings (i.e. Campaign Offices (Sec. 4 c)	<ul style="list-style-type: none"> • Campaign Offices • Third Party Advertisers • Vehicle Signs
Permits/Deposit fee Required to erect signs	2 of 9 municipalities require a permit and/or deposit fee	3 of 7 municipalities require a permit and/or deposit fee	None	None
Enforcement	Most allow that the municipality may remove any election sign in violation immediately without notice or compensation	Most allow that the municipality may remove any election sign in violation immediately without notice or compensation	<ul style="list-style-type: none"> • The City may remove any election sign in violation on City property • The City may issue an order to have signs in violation on private property removed 	The City may remove any election sign in violation on any property immediately without notice or compensation
Cost of Removal	5 of 9 municipalities charge a removal fee or may recover expenses through taxes, deposit fees or legal proceedings	4 of 7 municipalities may recover any expense incurred due to removal by adding the expense to the tax roll of the sign owner	None	The City may recover any expense incurred due to removal by adding the expense to the tax roll of the sign owner

Item	Comparison Municipalities (9)	Durham Municipalities (7)	Oshawa's Current By-law	Oshawa's Proposed By-law
Retention	Most municipalities may dispose of any election sign removed by the municipality after 30 days of storage without retrieval by the sign owner	Most municipalities may dispose of any election sign removed by the municipality after 30 days of storage without retrieval by the sign owner	Signs removed by the City and not retrieved by the sign owner may be disposed of 7 days after voting day	Signs removed by the City and not retrieved by the sign owner may be disposed of 7 days after voting day
Retrieval or Storage Fee	3 of 9 municipalities charge a retrieval/storage fee from \$20 - \$50 per sign	5 of 7 municipalities charge a retrieval/storage fee ranging from \$5 - \$50 per sign	None	Sign owner must pay \$25 fee per sign for retrieval
Fines	7 of 9 municipalities provide that offences are subject to fines or applicable fines under the Provincial Offences Act	All 7 municipalities provide that offences are subject to applicable fines under the Provincial Offences Act	None	Offences are subject to Administrative Monetary Penalties (Tier 1 - \$75, Tier 2 - \$175 and Tier 3 - \$275) or applicable fines under the Provincial Offences Act

5.5 Draft By-law

The draft Election Sign By-Law in Attachment 2 seeks to repeal and replace the current By-law 22-2014 with one that provides new regulations and prohibits the placement of election signs on public property. The draft Election Sign By-law expands on the definitions, prohibitions, and standards contained in the current by-law and includes Administrative Monetary Penalties for violations. The new regulations are in keeping with legislative requirements, municipal benchmarking and the goals set out in Section 5.3 of this report. The changes in the draft by-law are summarized as follows:

- Increase the number of definitions to provide clarity;
- New format and structure to provide ease of understanding;
- Prohibition of the placement of election signs on public property;

- Harmonization of election sign standards throughout the City by eliminating alternate sizes which were previously permitted north of Winchester Road;
- Increased language to prohibit election signs that obstruct vehicle and pedestrian traffic or otherwise impact the safety of pedestrians and vehicle operators;
- Prohibition of election signs that impede fire safety;
- Prohibition of the placement of election signs on public infrastructure such as utility poles, Canada Post mailboxes, light standards, bridges, medians of roads, etc.;
- Greater restrictions on materials used to build election signs;
- Regulations on language and content used in election signs;
- Reduction in the time election signs are permitted to be displayed after the final voting day from 7 days to 3 days.
- Provisions to strengthen enforcement of the by-law by the City;
- Administrative Monetary Penalties associated with violations of the by-law; and,
- Fees for the retrieval of election signs removed by the City.

Staff will communicate throughout the election period to ensure candidates and the public are aware of any new regulations approved by Council.

6.0 Financial Implications

There are no financial implications associated with the approval of the draft by-law. An administrative fee/permit fee is not proposed for candidates to place signs; therefore, the collection of fees will not be a regular occurrence. The only fees associated with the by-law would result from fines or Administrative Monetary Penalties for violations or retrieval fees for signs removed and stored by the City.

7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report responds to the Oshawa Strategic Plan Goal of Accountable Leadership.



Mary Medeiros, Director,
Legislative Services/City Clerk



Tracy Adams, Chief Administrative Officer,
Office of the C.A.O.



**By-law 42-2014
of The Corporation of the City of Oshawa**

being a by-law to regulate Election Signs.

NOW THEREFORE the Council of The Corporation of the City of Oshawa ENACTS AS FOLLOWS:

1. In this By-law
 - (a) "Act" means *Municipal Act, 2001*, S.O. 2001, c. 25, as from time to time amended;
 - (b) "City" means The Corporation of the City of Oshawa;
 - (b.1) "City road" means a road forming part of the City's road system;
 - (c) "Director" means the City's Director, Municipal Law Enforcement and Licensing Services;
 - (d) "Election Sign" means a device, including its structure and other component parts, that is used or is capable of being used to:
 - (i) promote a candidate in a federal, provincial or municipal election, including an election of a local board or commission, or to
 - (ii) influence persons to vote for or against any candidate or any question or by-law submitted to electors under section 8 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, schedule; and
 - (e) "Officer" is as defined in the City's Inspection By-law 64-2008 and, for the purposes of this By-law other than section 6, includes such other City staff as the Director may determine.
 - (f) "Region" or "Regional" means the Regional Municipality of Durham;
 - (g) "Regional road" means a road forming part of the Regional road system.
2. The erection, placement, maintenance or display of any Election Sign shall be permitted subject to the provisions of this By-law.
3. Subject to section 4, no person shall permit the erection, placement, maintenance or display of an Election Sign that:
 - (a) does not comply with subsection 4.6 of the City's Fence and Sight Triangle By-law 23-2014 respecting maximum "Heights" within "Sight Triangles" and "Driveway Sight Triangles";
 - (b) obstructs the vision of drivers entering or leaving a City or Regional road from another highway, private road or driveway;
 - (c) obstructs, detracts from or interferes with the visibility or effectiveness of any traffic control sign, signal or device;
 - (d) obstructs or interferes with the lawful use of a sidewalk or a City or Regional road;
 - (e) when within the limits of a City or Regional road, exceeds a height of 0.6m or a width of 1.2m;
 - (f) subject to paragraph 3(g), exceeds a height of 1.2m or a width of 1.2m;
 - (g) when north of Winchester Road and not within the limits of land zoned R1-A, R1-F, R1-G or R1-H pursuant to the City's Zoning By-law 60-94, as amended, exceeds a height of 1.2m or a width of 2.4m;
 - (h) is closer than one (1) metre from the curb of a City or Regional road;

- (i) is within two (2) metres of the travelled portion of a City or Regional road where there is no curb;
 - (j) is on the part of a City or Regional road comprising an island or a median;
 - (k) is within twenty (20) metres of a bridge forming part of a City or Regional road or that is over a City or Regional road;
 - (l) is on or in land or premises owned or leased by the City, other than a City or Regional road;
 - (m) is on or within land or premises used as a polling station;
 - (n) is within one (1) metre of each property line of land used as a polling station;
 - (o) is or could be hazardous to the health or safety of persons;
 - (p) for a federal or provincial election, is erected, placed, maintained or displayed before the day on which the writ of the election is issued or after the seventh (7th) day following the day of the election; or that
 - (q) for a municipal election, is erected, placed, maintained or displayed before the forty-second (42nd) day prior to the last polling day for the election or after the seventh (7th) day following the last polling day for the election.
4. The following are exceptions to certain requirements of section 3:
 - (a) Paragraph 3(e) does not apply to an Election Sign forming part of street furniture lawfully within the limits of a City or Regional road where the Election Sign complies with any requirements of the owner of such street furniture.
 - (b) Paragraphs 3(f) and 3(g) do not apply to an Election Sign in respect of which a permit has been issued pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23.
 - (c) An Election Sign that is wholly within a building constructed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 is subject only to paragraphs 3(l), 3(m) and 3(o).
 - (d) An Election Sign comprised of “wrap” affixed to a vehicle is subject only to paragraphs 3(l), 3(m), 3(n), 3(p) and 3(q).
 5. An Officer may, without notice or compensation to any person, remove and may store any Election Sign that is erected, placed, maintained or displayed on City property contrary to this By-law.
 6. Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order pursuant to section 445 of the Act requiring work to correct the contravention. Service of an order is effective when posted on the property to which the order relates.
 7. Where an order made pursuant to section 6 is not complied with, the Director may cause work to be done at the expense of the person to whom or to which the order was given pursuant to section 446 of the Act.
 8. An Election Sign stored pursuant to section 5 may, on or before the seventh (7th) day following the last polling day for the election, be retrieved by the candidate to which the Election Sign refers, subject to administrative conditions established by the Director and posted on the City’s website.
 9. An Officer may, without notice or compensation to any person, dispose of any Election Sign that is not retrieved pursuant to section 8.
 10. In the event of conflict between this By-law and
 - (a) a by-law of The Regional Municipality of Durham;

(b) a provincial or federal Act or a regulation made under such an Act; or

(c) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation,

the by-law, statute, regulation and legislative instrument referenced in the preceding paragraphs (a), (b) and (c) shall prevail to the extent of the inconsistency.

11. In the event of conflict between this By-law and another City by-law, the more restrictive standard shall apply.

12. Election Sign By-law 80-97 is repealed.

13. Notwithstanding section 12 but subject to paragraph 3(a), until November 1, 2014, an Election Sign may comply with size restrictions by complying with those that were prescribed by By-law 80-97 or with those prescribed by this By-law.

14. The short title of this By-law is the "Election Sign By-law".

By-law passed this seventh day of April, 2014.

Original signed by Mayor and City Clerk.

2022-06-21



**By-law XX-2023
of The Corporation of the City of Oshawa**

Being a by-law to regulate Election Signs in the City of Oshawa and to repeal and replace the City's existing Election Sign By-law 42-2014, as amended.

Whereas section 11 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended ("Municipal Act, 2001") authorizes municipalities to pass by-laws respecting signs; and,

Whereas subsection 63(1) of the Municipal Act, 2001 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 any object placed or standing on or near a highway; and,

Whereas section 425 of the Municipal Act, 2001 establishes that any person who contravenes any by-law of the municipality is guilty of an offence; and,

Whereas subsection 27(1) of the Municipal Act, 2001 provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway; and,

Whereas The Regional Municipality of Durham, pursuant to By-law 52-2020, has stated that where a lower-tier municipality within the Region of Durham has enacted a temporary sign and/or election sign by-law, the Region adopts those provisions of the lower-tier municipality's by-law which apply to roads forming part of the Region's road system within the geographic jurisdiction of that lower-tier municipality; and,

Whereas The Regional Municipality of Durham, pursuant to By-law 52-2020, has stated that where a lower-tier municipality within the Region of Durham has enacted a temporary sign and/or election sign by-law, the Region delegates the authority to enforce the provisions of that by-law on Regional roads in the lower-tier municipality to the Municipal Law Enforcement Officers of that lower-tier municipality;

Now therefore the Council of the Corporation of the City of Oshawa enacts as follows:

1. Definitions

1.1 In this By-law

- a. "Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- b. "Boulevard" means the portion of a Highway lying between the roadway and the property line.
- c. "Campaign Office" means a building or portion of a building which is used by a Candidate or Third Party Advertiser as part of an Election campaign and where a Candidate or Third Party Advertiser's staff, volunteers or otherwise involved persons are normally present and the public may enter to obtain information about the Candidate or Third Party Advertiser.

- d. "Campaign Office Sign" means a sign Placed on or within a Campaign Office which identifies the space as being used for the purpose of the Campaign Office for a Candidate in a federal, provincial or municipal election but does not include Election Signs otherwise Placed on the property of the Campaign Office.
- e. "Candidate" means an individual who has been nominated, or has expressed an intention in running in a federal, provincial or municipal Election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996 S.O. 1996, c. 32, Sched ("Municipal Elections Act, 1996").
- f. "Cenotaph" means a monument or memorial to people who died in war, specifically those who are buried elsewhere.
- g. "City" means The Corporation of the City of Oshawa.
- h. "City Clerk" or "Clerk" means the Clerk of the City, their designate, or an individual delegated by them for the purpose of this By-law.
- i. "Director" means the City's Director, Municipal Law Enforcement and Licensing Services.
- j. "Division Fence" means a fence marking the boundary between adjoining parcels of land or a road allowance.
- k. "Election" means any federal, provincial or municipal election, by-election, and any question or by-law submitted to the electors and includes an election to a local board or commission.
- l. "Election Official" means a person appointed to perform duties or exercise powers in relation to a federal, provincial or municipal election, as appointed by the appropriate authority as designated under the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched the Election Act, R.S.O. 1990, c.E.6; or Canada Elections Act, S.C. 2000, c.9.
- m. "Election Sign" means a device, including its structure and other component parts, that is used or is capable of being used to:
 - i. Promote a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or to,
 - ii. Influence persons to vote for or against any candidate or any question or by-law submitted to electors under section 8 of the Municipal Elections Act, 1996.
- n. "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of

vehicles and pedestrians and includes the untraveled portion of a road allowance and Regional Roads.

- o. "Officer" means each of:
 - i. The Director;
 - ii. A Municipal Law Enforcement Officer appointed by Council or by the Director to enforce a By-law or a direction or order of the City made under the Act or made under a By-law; and,
 - iii. A police officer employed by a municipal police force or by the Ontario Provincial Police.
- p. "Park" or "Parking" is as defined in the Highway Traffic Act, R.S.O. c. H.8, as amended, or any successor thereto and refers to the standing of a vehicle, whether occupied or not, except temporarily for the purposes of loading or unloading merchandise or passengers.
- q. "Person" means an individual (including a Candidate), partnership, corporation, business trust, limited liability company, limited liability partnership, joint stock company, trust, unincorporated association, joint venture, company, trade union, or other entity.
- r. "Place" means to affix, alter, attach, construct, display, erect, install, maintain, post, or relocate. Placed, Placement, and Placing shall have a similar meaning.
- s. "Public Property" means a property owned by or under the control of the City of Oshawa, the Region of Durham or any of their respective agencies or boards, including but not limited to Highways and public utility poles, municipal waste containers or structures on Highways whether or not they are owned by or under the control of the City.
- t. "Public Utility Pole" means a pole owned or controlled by an entity which provides a municipal or public utility service, including but not limited to the City, Telephone, Cable and Communication Companies, Enbridge Consumers Gas, Oshawa PUC, and any of their subsidiaries.
- u. "Region" or "Regional" means the Regional Municipality of Durham.
- v. "Regional Road" means a road forming part of the Regional road system.
- w. "Third Party Advertiser" means a Person or any other entity whom is not a Candidate, political party or constituency association who incurs expenses with respect to:
 - i. A question, law or by-law submitted to the electors;
 - ii. An issue associated with a person or political party participating in an Election; or,

- iii. A Candidate or political party participating in an Election.
- x. "Vehicle Sign" means any form of an Election Sign displayed in or on a vehicle or trailer.
- y. "Voting Day" means any day on which physical, in-person voting takes place.
- z. "Voting Place" means the location(s) where electors cast their ballots as approved by federal, provincial, or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting streets, when such Voting Place is located within a public or private premises and shall also include the common elements when the Voting Place is located within a private premises.
- aa. "Zoned" or "Zone" means the area of a defined land use zone in the City's Zoning By-law passed under the Planning Act, R.S.O. 1990 c.P.13, as amended or any successor thereto.

2. General Provisions

- 2.1 No Person shall Place or permit to be Placed an Election Sign within the City except in accordance with the provisions of this By-law and all applicable legislation.
- 2.2 If there is any conflict with this By-law or any other City by-law regulating signs, the more restrictive standard shall apply.
- 2.3 This By-law shall not apply to signs displayed by the City or the provincial or federal governments to provide information concerning an Election or any part of an Election process.

3. Election Sign Prohibitions

- 3.1 No Person (which includes a Candidate and/or Third Party Advertiser) shall Place an Election Sign at any location other than entirely on Private Property.
- 3.2 No Person shall Place an Election Sign on private property without the permission of the owner, occupant, or tenant.
- 3.3 No Person shall place more than one (1) Election Sign per Candidate or Third Party Advertiser on land Zoned to permit only residential uses.
- 3.4 Despite Section 3.3, if a property abuts two (2) or more streets, the number of Election Signs permitted on the property is limited to one (1) Election Sign per Candidate or per Third Party Advertiser multiplied by the number of abutting streets.
- 3.5 For greater certainty, no Person Placing more than one (1) Election Sign per Candidate or Third Party Advertiser on land Zoned to permit only residential uses under Section 3.4 shall allow more than one (1) Election Sign per Candidate or Third Party Advertiser to directly abut the same street.

- 3.6 No Person shall place more than three (3) Election Signs per candidate or Third Party Advertiser on any piece of land Zoned to permit a use other than residential.
- 3.7 Pursuant to the Criminal Code R.S.C., 1985, c.C-46, it is an offence to deface, alter, interfere with or willfully cause damage to an Election Sign.
- 3.8 No Person shall alter, move or remove a lawfully displayed Election Sign except:
 - a. The Candidate to whom the Election Sign relates;
 - b. The Third Party Advertiser to whom the Election Sign relates;
 - c. The Person who granted permission under Section 3.2 of this By-law;
 - d. The City Clerk;
 - e. A person appointed as an Election Official; or,
 - f. An Officer.
- 3.9 No Person shall Place an Election Sign on or in a Voting Place on any Voting Day.
- 3.10 No Person shall Place an Election Sign related to a municipal Election except within the boundaries of the Ward(s) to which the Election Sign relates.
- 3.11 No Person shall Place an Election Sign related to a provincial and/or federal Election except within the riding boundary to which the Election Sign relates.
- 3.12 No Person shall Place an Election Sign on any Division Fence if the Election Sign is visible from any Highway.
- 3.13 No Person shall Place an Election Sign on private property that:
 - a. Obstructs the vision of drivers or pedestrians when using a Highway or Boulevard, or that interferes with the visibility or effectiveness of traffic signs or signals serving a Highway;
 - b. Impedes or obstructs City maintenance operations;
 - c. Obstructs, impedes, hinders or otherwise prevents Parking by vehicles on private or public lands or on a Highway;
 - d. Obstructs or interferes with the lawful use of a sidewalk;
 - e. Obstructs, impedes, or interferes with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust or any means of access by a firefighter to any part of a building or fire hydrant;

- f. Is affixed to public property, any Canada Post Mailbox, or Public Utility Poles, including but not limited to, telephone poles, hydro poles, light standards, or any other infrastructure;
- g. Is on the property or the frontage of a property where a Cenotaph or cemetery is located;
- h. Is painted on, attached to, or supported by a tree, stone or other natural object;
- i. Is illuminated, incorporates flashing lights or rotating parts;
- j. Includes audio or video displays;
- k. Simulates a traffic control device;
- l. Includes words such as “stop”, “look”, “one way”, “danger”, “yield”, or any similar phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;
- m. Includes the City’s logo, crest, coat of arms, tag line, or seal in whole or in part;
- n. Includes any trademarked, copyrighted, patented or otherwise protected intellectual property without the express permission of the owner of said intellectual property; or
- o. Falsely implies incumbency of a Candidate who does not currently hold that same office or the successful election of any Candidate including the incumbent. As such, the following terms are hereby restricted for usage on an Election Sign or political advertising, except where the defined criteria is met:
 - i. “Incumbent” shall only be used if the candidate holds the current office, regardless of whether the individual was appointed or elected;
 - ii. “Re-Elect” shall only be used if the Candidate holds the current office by election (not appointment) and is seeking an additional consecutive term for the same office. This term shall not be used by Candidates seeking election to a different ward divided seat or office on the Council or a local board of the City than the office they currently hold (for example: an incumbent City Councillor for Ward 1, shall not use the term ‘re-elect’ if running for election to the seat of Regional Councillor in Ward 1); and,
 - iii. “Mayor Elect,” “Councillor Elect,” or any other term or phrase implying a Candidate’s successful election shall not be used.

4. Placement Restrictions on Private Property

- 4.1 No Person shall Place an Election Sign on private property that:
- a. Does not comply with City by-laws, including subsection 4.6 of the City's Fence and Sight Triangle By-law 23-2014 respecting maximum "Heights" within "Sight Triangles" and "Driveway Sight Triangles";
 - b. Is on a median or traffic island, central boulevard or a roundabout;
 - c. When within the limits of a Highway, exceeds a height of 0.6 metre or a width of 1.2 metres;
 - d. Is closer than one (1) metre from the curb of a Highway;
 - e. Is within two (2) metres of the travelled portion of a Highway where there is no curb;
 - f. Is within 20 metres of a bridge forming part of a Highway; or,
 - g. Is on or within 25 metres of a voting place during voting hours.

5. Timing, Size and Standards

- 5.1 No Person shall Place, or permit to be Placed, an Election Sign:
- a. Sooner than 10:00 a.m. on a day that is 42 days prior to the last day of voting for a municipal Election;
 - b. Prior to the day that the writ of election is issued for a provincial or federal Election; or
 - c. After the third (3rd) day following the final day of the Election.
- 5.2 No Person shall Place, or permit to be Placed, an Election Sign that:
- a. Exceeds a maximum height of 1.2 metres;
 - b. Exceeds a maximum width of 1.2 metres; or
 - c. Exceeds a maximum sign area of 1.44 square metres.
- 5.3 Every Election Sign using rebar, or any type of reinforcing steel or metal, shall ensure that all ends, not including the end inserted into the ground, has high visibility safety caps securely covering the ends of the steel or metal.
- 5.4 No Person shall Place, or permit to be Placed, an Election Sign that is in a state of disrepair so as to be unsafe or unsightly.

6. Third Party Advertisers

- 6.1 Any Third Party Advertiser shall include the following on all Election Signs and Third Party Advertisements Placed in the City:
 - a. The name of the Third Party Advertiser;
 - b. The municipality where the Third Party Advertiser is registered; and,
 - c. A telephone number, mailing address, or email address at which the Third Party Advertiser may be contacted regarding the advertisement.
- 6.2 A Third Party Advertiser shall not Place or permit to be Placed an Election Sign to promote, support, or oppose a Candidate before the Candidate has filed their nomination with the Clerk.

7. Vehicle Signs

- 7.1 No person shall display a Vehicle Sign except in accordance with the provisions of this By-law.
- 7.2 Vehicle Signs may only be displayed during the time period permitted by section 5.1.
- 7.3 No Person shall Park or stop a Vehicle with a Vehicle Sign on or within 25 metres of a Voting Place during voting hours.
- 7.4 No Person shall Park or stop a Vehicle with a Vehicle Sign in a way that violates the City's "Use of Corporate Resources for Election Purposes Policy".

8. Campaign Office Signs

- 8.1 No Person shall Place a Campaign Office Sign prior to a Candidate filing their nomination or a Third Party Advertiser filing their registration.
- 8.2 No Person shall use an Election Sign as a Campaign Office Sign.
- 8.3 Every Person using any permanent pylon or fascia sign on the property of a Campaign Office shall only provide information about the use of the property and may not promote, support or oppose a Candidate, political party, or a "yes" or "no" answer to a question on a ballot.
- 8.4 Campaign Office Signs must comply with all provisions of the City's Sign By-law 72-96, as amended or any subsequent sign by-law of the City.

9. Enforcement

- 9.1 This By-law may be enforced by an Officer or by any other person appointed by the City for the purpose of enforcing this By-law.
- 9.2 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an Officer enforcing provisions of this By-law.

- 9.3 No Person shall fail to remove, alter, or repair an Election Sign which is not in compliance with the provisions of this By-law when so directed by an Officer.
- 9.4 An Officer may, without notice or compensation to any Person, remove and may store any Election Sign that is Placed contrary to this By-law.
- 9.5 The City may recover any expense incurred pursuant to section 9.4 of this By-law by adding the expense to the tax roll and collecting it in the same manner as taxes.
- 9.6 Election Signs that have been removed under section 9.1 shall be stored by the City until seven (7) days after voting day, during which time the owner may retrieve the sign upon payment of a fee of \$25.00 per sign.
- 9.7 Any Election Sign that has been removed by the City and has not been retrieved by the owner prior to the deadline under section 9.6 may be destroyed or otherwise disposed of by the City without notice and without compensation.
- 9.8 Despite section 9.7, the City shall not be obliged to store Election Signs made entirely of paper material, and may dispose of such Election Signs immediately upon removal.
- 9.9 No Person shall make a false or intentionally misleading recital of fact, statement or representation in any application or other document required by this By-law.
- 9.10 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an Officer enforcing the provisions of this By-law.
- 9.11 Where an Officer has reasonable grounds to believe that an offence has been committed by a Person under this By-law, the Officer may request the name, address and proof of identity of that Person.

10. Administrative Penalties

- 10.1 No Person shall fail to comply with any provision or standard of this By-law.
- 10.2 Administrative Penalty Process By-law 63-2013 applies to each Administrative Penalty issued pursuant to this By-law.
- 10.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Penalty Process by-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Election Sign By-law, and the Person has not received a penalty notice for the same contravention, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$75. If a Person receives an additional penalty notice for the same contravention of the Election Sign By-law, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$175. If the Person receives a subsequent penalty notice for the same contravention of the Election Sign By-law, the Person shall be liable to pay to the City a tier three (3)

administrative penalty amount for that contravention in the amount of \$275. If the Person receives any subsequent penalty notices for the same contravention of the Election Sign By-law, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$275.

11. Offences

- 11.1 Any Person who contravenes any provision of this By-law is guilty of an offence under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and on conviction is liable to the following penalties:
- (a) Upon a first conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00);
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than two hundred dollars (\$200.00) and not more than one hundred thousand dollars (\$100,000.00);
 - (c) Upon conviction for a continuing offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
 - (d) Upon conviction for multiple offences, for each offence included in the multiple offences, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00). The total of all fines for each included offence.
- 11.2 For the purposes of Section 11.1 of this By-law, a "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. An "offence" is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

12. Liability for Damages

- 12.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any Person displaying or owning any Election Sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or wilful acts of such Person, or their agents or employees, including Third Party Advertisers, in the construction, erection, display, maintenance, repair or removal of such signs.

13. Conflict

- 13.1 If a provision of this By-law conflicts with a provision of any applicable Act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall prevail.

14. Repeal

14.1 By-law 42-2014, as amended is hereby repealed.

15. Short Title

15.1 The short title of this By-law is the "Election Sign By-law".

16. Effective Date

16.1 This By-law shall come into force and effect on the date of passing.

By-law passed this XX day of XX, 2023.

Mayor

City Clerk