

To: Corporate and Finance Services Committee

From: Mary Medeiros, Director, Legislative Services/City Clerk,  
Office of the C.A.O.

Report Number: CF-23-86

Date of Report: November 1, 2023

Date of Meeting: November 6, 2023

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

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

At its June 26, 2023 meeting, City Council referred Report [CF-23-34](#) concerning review and proposed replacement of the election sign by-law to staff to consult with the public, Region of Durham, Local Riding Associations, Durham District School Board, Durham Catholic School Board, and both French counterparts and for the aforementioned be invited to send written comments to Committee on the proposed by-law replacement.

The purpose of this Report is in response to Report [CF-23-34](#) to provide the Corporate and Finance Services Committee with the results of the consultation on the proposed election sign by-law and to review the updated, proposed election sign 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 collection of comments received from the consultation.

Attachment 2 is the updated, proposed 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-23-86 dated November 1, 2023 concerning consultation and a proposed replacement of 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 That By-law 42-2014, as amended, be repealed.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

- Consultation with stakeholders and the public
- Municipal Law Enforcement and Licensing Services
- Legal Services

### 5.0 Analysis

#### 5.1 Background

At its meeting of June 5, 2023, the Corporate and Finance Services Committee considered [Report CF-23-34](#) which included a proposed election sign by-law to replace Election Sign By-law 42-2014. The Report provided background information on By-law 42-2014 and an overview of the proposed Election Sign By-law. The report included a comparison chart between the existing and proposed by-law, as well as a comparison of the by-laws from nine comparison municipalities and all Durham Region municipalities. The key changes proposed were 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.

At its meeting of June 26, 2023, City Council adopted the following recommendation of the Corporate and Finance Services Committee:

That Report [CF-23-34](#) concerning a review and proposed replacement of the Election Sign By-law be referred to staff to consult with the public, Region of Durham, Local Riding Associations, Durham District School Board, Durham Catholic District School Board, and both French counterparts for review and that the aforementioned be invited to send written comments to Committee on the proposed by-law replacement.

## **5.2 Collection of Comments on Proposed Election Sign By-law**

Pursuant to the direction from Committee, the City hosted a four-week consultation from August 14 to September 11, 2023 to solicit comments on the proposed Election Sign By-law. The stakeholders listed in the Council direction were contacted directly via email to share their comments on the proposed by-law. Each stakeholder was provided a link to a Connect Oshawa page where copies of Report [CF-23-34](#), the proposed Election Sign By-law and a comparison table were hosted for their review. Stakeholders had the opportunity to reply to the email, complete a paper form at Service Oshawa, or submit their comments directly through the Connect Oshawa portal.

The consultation was promoted to the public through various communications tools and mediums, including the City website; Connect Oshawa; social media; public notices emailed to subscribers; and a pop-up event at Lakeview Park. Any comments from the public could be submitted directly through the Connect Oshawa page or on paper at Service Oshawa.

Overall, the written feedback supports the proposed election sign by-law and the changes therein. Attachment 1 to this report includes the responses received.

## **5.3 Changes to Proposed By-law**

Following feedback received throughout the consultation, staff have made two notable changes to the proposed Election Sign By-law. The updated, proposed Election Sign By-law is Attachment 2 to this report. The changes discussed below are highlighted in the attachment.

### **5.3.1 Cost Recovery**

The first change addresses the method of cost recovery required when the City has incurred additional expenses due to the removal of a prohibited sign. The original proposal added the expense of enforcement to the tax roll of the offending person to be collected in the same manner as taxes. This has been replaced with a requirement for a \$250 deposit to be paid by a Candidate or Third Party Advertiser before any Election Signs can be placed. The change allows for the City to recover costs from all applicable Candidates or Third Party Advertisers registered in an election whereas previously, the clause only applied to Candidates and Third Party Advertisers appearing on the City's tax roll. This

deposit will be deducted from as necessary to cover the additional enforcement expenses. Following the election, the deposit will be returned to the Candidate or Third Party Advertiser, either in whole or less any amount deducted to recover enforcement expenses. In addition to being refundable, the deposit only applies to Candidates or Third Party Advertisers wishing to place signs and is not a barrier to individuals seeking to file a nomination or register with the City.

### **5.3.2 Private Property**

The second change concerns entry to private property in order to remove a sign in violation of the by-law. The original proposal allowed for Enforcement Officers to remove prohibited signs from private property without notice. The updated proposal requires Enforcement Officers to issue an order for removal prior to undertaking any action on the property. This is consistent with the language found in the existing Election Sign By-law 42-2014.

## **6.0 Financial Implications**

There are no financial implications associated with the approval of the proposed 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 aside from the required deposit. 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.



Adam Foran,  
Elections Officer



Laura Davis, Manager,  
Legislative Services/Deputy City Clerk



Mary Medeiros, Director,  
Legislative Services/City Clerk

## **Public Comments on the proposed Election Sign By-law**

The following information reflects all comments received during the Connect Oshawa public consultation which invited the public and stakeholders to provide written submissions with respect to the proposed Election Sign By-law.

- I think that the proposed Election sign by-law is good, but only if properly enforced. What is the city planning to do with enforcement?
- The city needs to have appropriate controls for excessive and abusive usage of signage as well as added measures for vandalism and inappropriate use. I'm in support of modernizing and limiting the use of signage to controlled areas
- complicated but necessary
- Signs are not friendly to the environment. Pollution and ugly, elections should be on merits not signage. I ran a signless campaign 2 elections ago. I don't believe in them.
- The fines may or may not act as a deterrent. Childish behavior by certain bodies has necessitated rules but it's a shame, truly.
- As long as these new proposed changes are simple to implement, understandable and won't cost more money to implement than what is generated (in relation to storage and fines), I think the proposed changes are fine.
- There should be some Permit Fees or deposits by the city from the Sign owner that can be refunded after 15 days of voting if no violations. This deposit can be used towards violations if needed. In case of violations these permit fees or deposits should be increased next year just like insurance.
- Agree with it completely
- I think these changes are desperately needed. The amount of signs in general is ugly and silly however the fact that many remain after the election is very ugly and shows a general lack of concern regarding the appearance of the city
- I like the Oshawa proposed by-laws. Has more accountability to those running in the various elections
- Do not allow election signs. They are a waste of money and an eyesore.
- I agree with the updated election sign By-law and believe it should be implemented.

- I couldn't care less. I haven't encountered this problem. I'm sure someone has, but there might be fewer than 1 sign per hundred houses in my neighbourhood, and there can be ten times as many on the side of taunton and still not bother me.
- I fully support signs not being placed on public property. I would also support a size limitation. I would support a limit to the number of signs permitted on any one (1) private property.
- Acceptable.
- Something should be done about not only election signs but signs promoting private businesses along the boulevards and every street corner of Oshawa.
- The proposed changes seem to be in line with other municipalities and are completely reasonable.
- I am in agreement with all the proposed amendments
- The proposal seems sensible.
- I agree with the proposed bylaw, especially where it concerns to banning the placement of election signs on road medians. However I would like to see any amendment to our bylaw regarding election signs to also address how parties tend to place a very large number of signs all clumped together. It creates a much more distracting sight for drivers.

The only part of the current proposition I am hesitant to agree with is the reduction on the time frame for removing signs to 3 days. While I definitely agree that it should be shorter, and harsher penalties should be applied because there were a large number that were left up far past the 7 days. I think 3 days may be too short of a time frame.

- Its hard enough to get qualified candidates to run.
- Candidates put their signs up too early.

They're also an eye sore at every intersection.

Limit the number of signs candidates are allowed to put out and limit the total amount used at busy intersections where they could obstruct the view of traffic.

- I agree. Signs on corners make it difficult to see roadway when turning.
- Completely agree with prohibiting election signs on public property

- I think that the proposed changes are very reasonable
- I think it's been a long time coming. I absolutely support no signs on public property. This is how it should have always been!
- The Election Sign bylaw seems adequate to fulfill its purpose
- I like the proposed changes and the responsibilities placed on the electoral candidates to keep the region clean and free of litter through left behind signage.
- Signs should not be allowed on public property, as proposed. Signs should not be allowed outside of the ward, as proposed. The City is required to do too much to enforce the by-law. Signs in violation should be removed without notice or compensation. Onus should be on the owner of the sign to install the sign correctly. Cost of removal as proposed.
- No signs permitted on residential streets.
- Support stronger rules limiting and removing election signs.

Would support a full ban on public property, aside from some city signs informing people of the election date. Otherwise, signs negatively influence our democratic process and attempt to secure votes through nothing other than name recognition. Also wish these proposals that were shared came with summaries.

- Pretty well as same as the old bylaw. How about you do something about all the non-election sign trash on every corner? It's your mandate to enforce sign bylaws right?
- I am 100% for the new by-law. I hate seeing these signs every voting period. They clutter the city and make it look cheap and awful. Stricter laws need to be in place.
- I like the changes very much, they appear to bring Oshawa in line with other municipalities, while providing the City better tools to deal with non-compliance.
- Fines should be levied to any and all candidates at time of offence otherwise they will continue to create such offences without worry of fines.
- I like the changes on Oshawa's proposed By-law.
- Frankly I would like these signs banned. What a blight and environmental disaster!
- Should ban all election signs.
- I like that the rules are being made stricter

- I like the new bylaw. I especially like that signs will not be allowed on public property, and that candidates can only put signs up in the wards where they are running. I am very tired of seeing public areas littered with election signs, especially when a candidate puts up a whole line of them.
- I believe the proposals will deal with some of the issues facing Oshawa with election signs and their placement.
- I would like to see restrictions put in place on signs and it would be great if signs could only be put on private property to reduce visual pollution and disparity between campaigns based on finances. I would also like to see improved enforcement of existing and any new legislation.
- I like it ... if I read it correctly it will eliminate all sign masses at intersections etc.
- I would like to see election signs prohibited.
- Too many signs in the same area and close to intersections. Very dangerous for drivers and over stimulating. Pollution causing garbage. Not necessary. Less is more. Keep signs in particular areas only and off of Municipal property and away from schools. Also an issue for grass being cut by the city kids.
- Seems mildly askew
- I just think it makes communities look worse. Elections are usually in the fall. The signs get leaves stuck on them and with rain the signs just become damaged. Not to mention there's just so many of them. Regional mp signs , school board , mayoral , ward. Last year election cycle I remember just trying to Google some of these names to find out who they are. There's nothing no identify just people with a sign budget hoping to get a job.
- I think limiting the number, and areas would be amazing.
- It appears that the nuisance of removing improperly placed signs has prompted this move. Running elections is a nuisance start to finish, but a necessary one. Considering the City had one of the lowest voter turn-outs in the province, why aren't there programs or efforts to improve voter turn-out? Should that not be the priority?

Does limiting signs to private property improve election awareness? How so?

In the survey of select municipalities' bylaws, which areas had good voter turn-out? Better than 40% would be considered good these days. Why don't we emulate those municipalities? Is there a correlation between strict or loose election sign bylaws and voter turn-out?

Other than fewer tasks for By-law enforcement, do the proposed changes improve awareness of the candidates; do they make it easier for candidates to advertise inexpensively; do they reduce or increase the cost of running for elected positions, or do they simply reduce clutter of election signs?

Is the ultimate plan to remove the ability of posting any election signs? Is a 'shift to digital and social media platforms' desirable when social media giants can unilaterally refuse to promote Canadian content?

Lastly, how is the restriction of public spaces considered modernization, as suggested in the purpose of this report? How does increased enforcement promote fairness when none of the complaints or issues described in the report relate to fairness?

With so many unanswered questions, there is more work to be done before a decision can be made.

- Written like all bylaws - lots of words covering many areas - maybe make it more efficient by stating the facts wanting to get across eg limit number of signs per candidate in an area, limit the size of sign, give out immediate penalties if bylaw is not obeyed during campaign. With the understanding that some bylaws may be broken by human mischief - not sure how to deal with that one except to have candidates be aware of number of signs and their placement- taking responsibility for ensuring signs should be in certain areas and immediate removal of signs in inappropriate areas as well as immediate removal of signs once election is completed.
- I think that it is a good idea to regulate the time, placement and removal of election signs as well as their sizes.
- I approve most of the proposed terms. However, there seems to me to be little use in charging a retrieval/storage fee for removed signs which would discourage re-use of signs and make disposal more likely.
- No election signs should be permitted on public property including on boulevard of any city or regional road. In addition, any signs should be constructed of a material that is not single use and preferably not be of a material that remains intact for years to come.
- I agree with most of the proposed changes. However, I believe the total elimination of signs on public property will only benefit incumbent candidates, and limits democratic processes. I would suggest limiting signs on public property to only within a specific distance of intersections, limited to 1 or 2 signs per candidate per intersection, maintaining the limitations on the proximity to the curb.

- Signs should not be placed on public property period. Last election the amount of signs were a total nuisance, obstructing views when driving, total eye soar.
- Bylaw needs to be drafted and put forward by a committee of citizens at an arms length from the current council in order to avoid a perceived or actual conflict of interest.
- Considering the City had one of the lowest voter turn-outs in the province, should it not be the priority to establish programs or efforts to improve voter turn-out? The city could take many other steps, such as limiting signs to specific public areas where signs could be displayed. Providing public forums in municipal buildings such as libraries or community centres where the constituents could meet and speak to the candidates. This was done by other municipalities such as Whitby where Meet the Candidates Nights were organized by the Town in each of their wards.

If fines are going to be imposed on candidates for alleged infractions, how will By-law establish proof that an infraction occurred, and what appeal process will be made should the candidate dispute the fine?

How will by-law handle signs that out of compliance due to actions of mischief/vandals?

As a candidate, when a sign was picked up, I always asked for the location of the removed sign and what the issue was that caused my sign to be removed. While they sometimes could give a location, they could not always give an accurate reason for the removal. Often my sign was picked up during a sweep, regardless of it's compliance.

My sign team went out with tape measures and a copy of the by-law for reference. Sign locations were planned in advance. The By-law Sign Officer was very good at clarifying any questions I had such as clarifying the property lines of a voting place so that my signs could be in compliance with the sign by-law. All my signs were marked with identification and every sign deployed was strategically located and each sign location recorded, as well as monitored regularly, so I knew exactly where each sign should be. I experienced vandalism, signs were defaced and in 67 instances, stolen or destroyed. In one instance my team witnessed a regional candidate's sign vandalized by persons in a well lit and visible location but they left other signs alone. I found a few signs belonging to other candidates from other wards in my neighbourhood and returned them to their owners.

Signs are an important tool for candidates who do not have the name recognition of incumbents or those who have financial constraints or lack volunteers to reach voters door-to-door.

School Board candidates also have to run city-wide but have limitations due to the voter's list provided by MPAC being terribly inaccurate. Not everybody is on social media and the unilateral removal of Canadian content from digital platforms could impact a candidate's effort to mount an effective digital campaign.

How do the proposed changes improve the voter awareness of the candidates? How do the proposed changes make it easier for candidates to advertise inexpensively? How do they reduce or increase the cost of running for elected positions?

How does limiting signs to private property improve election awareness?

How will these changes ensure that all candidates have a level playing field and access to voters, including the candidates running for school boards?

School candidates are usually not invited by groups, such as the Chamber of Commerce when they organize municipal debates and candidate forums. The city did not even ask the school candidates for their concerns prior to this consultation.

Lastly, how are these proposed changes fair?

- I support the proposed Election Sign By-law
- Not in support of the proposed new fines



**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. Deposit Required**

- 3.1 Before any Election Signs are placed, the Candidate or Third Party Advertiser shall register with the City Clerk and submit a deposit in the amount of \$250.00 to the City to cover any expense incurred due to the removal of an Election Sign pursuant to section 10.4 and/or section 10.6 of this By-law.
- 3.2 Within 45 days after Voting Day, the deposit, less any amount deducted as per section 10.7 of this By-law, shall be returned to the Candidate or Third Party Advertiser.

## **4. Election Sign Prohibitions**

- 4.1 No Person shall Place an Election Sign without having complied with section 3.1 of this By-law.
- 4.2 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.

- 4.3 No Person shall Place an Election Sign on private property without the permission of the owner, occupant, or tenant.
- 4.4 No Person shall place more than one (1) Election Sign per Candidate or Third Party Advertiser on land Zoned to permit only residential uses.
- 4.5 Despite Section 4.4, if a property abuts two (2) or more Highways, 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 Highways.
- 4.6 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 4.5 shall allow more than one (1) Election Sign per Candidate or Third Party Advertiser to directly abut the same Highway.
- 4.7 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.
- 4.8 No Person shall deface, alter, interfere with or willfully cause damage to an Election Sign.
- 4.9 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 4.3 of this By-law;
  - d. The City Clerk;
  - e. A person appointed as an Election Official; or,
  - f. An Officer.
- 4.10 No Person shall Place an Election Sign on or in a Voting Place on any Voting Day.
- 4.11 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.
- 4.12 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.
- 4.13 No Person shall Place an Election Sign on any Division Fence if the Election Sign is visible from any Highway.
- 4.14 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.

## **5. Placement Restrictions on Private Property**

5.1 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.

## **6. Timing, Size and Standards**

6.1 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 (3<sup>rd</sup>) day following the final day of the Election.

6.2 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.

- 6.3 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.
- 6.4 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.

## **7. Third Party Advertisers**

- 7.1 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.
- 7.2 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.

## **8. Vehicle Signs**

- 8.1 No person shall display a Vehicle Sign except in accordance with the provisions of this By-law.
- 8.2 Vehicle Signs may only be displayed during the time period permitted by section 6.1.
- 8.3 No Person shall Park or stop a Vehicle with a Vehicle Sign on or within 25 metres of a Voting Place during voting hours.
- 8.4 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".

## **9. Campaign Office Signs**

- 9.1 No Person shall Place a Campaign Office Sign prior to a Candidate filing their nomination or a Third Party Advertiser filing their registration.
- 9.2 No Person shall use an Election Sign as a Campaign Office Sign.
- 9.3 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.
- 9.4 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.

## 10. Enforcement

- 10.1 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.
- 10.2 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an Officer enforcing provisions of this By-law.
- 10.3 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.
- 10.4 An Officer may, without notice or compensation to any Person, remove and may store any Election Sign that is Placed on Public Property contrary to this By-law.
- 10.5 Where an Officer is satisfied that a contravention of this By-law has occurred on private property, 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.
- 10.6 Where an order made pursuant to section 10.5 of this By-law 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.
- 10.7 The City may recover any expense incurred pursuant to section 10.4 and/or section 10.6 by deducting the amount from the deposit made under section 3.1.
- 10.8 Election Signs that have been removed under section 10.4 and/or section 10.5 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.
- 10.9 Any Election Sign that has been removed by the City and has not been retrieved by the owner prior to the deadline under section 10.8 may be destroyed or otherwise disposed of by the City without notice and without compensation.
- 10.10 Despite section 10.9, 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.
- 10.11 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.
- 10.12 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an Officer enforcing the provisions of this By-law.
- 10.13 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.

## **11. Administrative Penalties**

- 11.1 No Person shall fail to comply with any provision or standard of this By-law.
- 11.2 Administrative Penalty Process By-law 63-2013 applies to each Administrative Penalty issued pursuant to this By-law.
- 11.3 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.

## **12. Offences**

- 12.1 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.
- 12.2 For the purposes of Section 12.1 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.

### **13. Liability for Damages**

13.1 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.

### **14. Conflict**

14.1 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.

### **15. Repeal**

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

### **16. Short Title**

16.1 The short title of this By-law is the “Election Sign By-law”.

### **17. Effective Date**

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

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

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Mayor

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City Clerk