

To: Corporate and Finance Services Committee

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

Report Number: CF-24-21

Date of Report: February 28, 2024

Date of Meeting: March 4, 2024

Subject: Analysis of a Reduced Boulevard Presence and Time Limits
Concerning the Placement of Election Signs

Ward: All Wards

File: 03-05

1.0 Purpose

At its November 20, 2023 meeting, City Council directed the following with respect to [Report CF-23-86](#) concerning a review of consultation and proposed replacement of the election sign by-law:

“That the following be referred to staff to deliberate on a reduced public boulevard presence and a satisfactory time limit be presented to the Committee:

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 with the following amendments:
 - a. That Sections 3.1, 3.2 and 4.1 be deleted;
 - b. Add to Section 4.2 'public boulevards, excluding boulevards around parks, schools, properties at intersections around municipal, provincial and federal facilities, trails and heritage sites and all of a candidate's boulevard signs be a minimum distance of 15 metres from each other'; and,
 - c. In Section 6.1 (a), replace the words '42 days' to '25 days' 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 That By-law 42-2014, as amended, be repealed.”

The purpose of this report is to provide staff's analysis with respect to the above direction.

Attachment 1 is the 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-24-21 dated February 28, 2024 concerning a proposed replacement of By-law 42-2014, Council pass a new Election Sign By-law as set out in Attachment 1 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 That By-law 42-2014, as amended, be repealed.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

None.

4.0 Input From Other Sources

- Legal Services
- Municipal Law Enforcement and Licensing Services

5.0 Analysis

At its April 17, 2023 meeting, the Corporate and Finance Services Committee deferred Report CF-23-34 Review and Proposed Replacement of the Election Sign By-law to the June 5, 2023 Committee meeting.

At its June 26, 2023 meeting, City Council directed 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.

At its November 30, 2023 meeting, City Council directed that Report CF-23-86 concerning a review of consultation and proposed replacement of the Election Sign By-law, that the following be referred to staff to deliberate on a reduced public boulevard presence and a satisfactory time limit be presented to the Committee:

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 with the following amendments:
 - a. That Sections 3.1, 3.2 and 4.1 be deleted;
 - b. Add to Section 4.2 'public boulevards, excluding boulevards around parks, schools, properties at intersections around municipal, provincial and federal facilities, trails and heritage sites and all of a candidate's boulevard signs be a minimum distance of 15 metres from each other'; and,

- c. In Section 6.1 (a), replace the words '42 days' to '25 days' 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.

This report provides analysis of the following three items as directed by Council: election sign deposits; a reduced boulevard presence; and, time limits on the placement of election signs.

As outlined in Report CF-23-86, public consultation indicated significant support for the proposed by-law to only allow signs on private property. Other themes arising from the comments include:

- Support for a clear by-law that is easy to understand and enforce;
- Support for permit fees or deposits from sign owners that can be returned if there are no violations;
- Support for limitations on the number of signs placed together or the number of signs permitted for any one candidate.

5.1 Election Sign Deposits

The Proposed Election Sign By-law (“Proposed By-law”) Section 3 includes a requirement for a \$250 deposit to be paid by a Candidate or Third Party Advertiser before any election signs can be placed. The deposit allows for the City to recover costs where expenses are incurred in the removal of election signs. 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, thus increasing accountability for the Candidate or Third Party in ensuring they are following the by-law. Candidates or Third Party Advertisers who are not placing election signs are not required to pay the deposit, nor do they have to pay it when they file or register; however, at any time during the campaign period they may submit the deposit to erect signs.

Should Section 3 pertaining to election sign deposits not be included in the Proposed By-law, this would eliminate any payment required from Candidates or Third Party Advertisers for placing election signs; therefore, the City will not have a method of cost recovery for enforcement and removal of election signs that may be required.

5.2 Reduced Presence on Boulevards

The Proposed By-law includes a prohibition of election signs on boulevards, designed to reduce visual pollution and increase clarity for candidates, the public and enforcement officers on where signs may be placed. This in turn, should reduce the number of signs in violation of the by-law thereby further reducing the volume of enforcement required.

Conversely, the alternative to allow election signs on certain boulevards is likely to increase demand for enforcement as detailed in Section 5.2.2 and would require significant changes to the Proposed By-law. This section discusses the alternatives for a reduced

presence of election signs on boulevards. The section further analyzes the impact of these alternatives on enforcement and operations before concluding with an evaluation of any minimum distance provisions.

5.2.1 Boulevard Placement

Three alternatives were reviewed with respect to election signs on boulevards. The available options are distinguished by two main aspects: the prohibition or allowance of election signs on certain boulevards; and, the requirement for permission of the property owner, occupant, or tenant (“Property Stakeholder”) to place the election sign.

At the Council meeting of November 20, 2023, staff were directed to review adding a section to the by-law that would permit election signs on “public boulevards, excluding boulevards around parks, schools, properties and intersections, around municipal provincial and federal facilities, trails and heritage sites”. To avoid using an exhaustive list of property types, staff would substitute the proposed language in Council’s resolution with “Permitted Boulevards” which would need to be defined appropriately should Council wish to allow signs on boulevards. It is also important to note that after removing all of the boulevard types listed in the exclusions, there are very few locations remaining which, as discussed below, increases confusion for enforcement and for Candidates, Third Party Advertisers and their respective volunteers to ensure they are placing signs on locations permitted by the by-law. A significant portion of the Proposed By-law would be impacted by the proposition to allow election signs on certain boulevards.

5.2.2 Enforcement

Each alternative promotes a different set of circumstances for enforcement officers. The changes have potential impacts on the likelihood of violations, the clarity of the by-law, the ability of enforcement officers to enforce the by-law effectively and consistently.

During the 2022 Municipal and School Board Elections, election signs placed on boulevards within one (1) metre from the curb of a highway was the most common reason for election signs being removed by City staff, making up over half of all infractions (441 of 816). The continued, albeit reduced presence of election signs on boulevards is likely to see this trend of illegally placed signs continue and fail to reduce enforcement requirements.

One of the key goals of the Proposed By-law is increased compliance through a clear and concise by-law that is easier for Candidates, Third Party Advertisers, City staff, and the public to follow. The Proposed By-law makes it clear that signs are allowed on private property only and only with the permission of the Property Stakeholder. Allowing signs on certain public boulevards would reduce clarity for all stakeholders as to where signs may be placed, and what signs have been placed legally.

Where a Property Stakeholder’s permission is required, for the City’s enforcement officers specifically, it will not be immediately clear if a sign on a boulevard has been placed there with the permission of the Property Stakeholder or not, thereby preventing proactive enforcement. In addition, if signs are permitted on boulevards, it will not always be clear for enforcement officers as to who is accountable for an election sign on a public boulevard as

opposed to election signs on private property. For the Property Stakeholder, it may not be immediately clear to them whether they may remove a sign placed on the boulevard in front of their property without their permission, which is likely to increase calls to the City for enforcement.

Additionally, if signs are permitted on boulevards, where the election sign is in contravention of the by-law on the public boulevard abutting private property, no order is required and the election sign will be removed without notice. However, in the event an election sign is placed in violation of the by-law on private property, an order will be provided to the Property Stakeholder notifying them of the contravention. This inconsistent approach may prove confusing for Candidates, Third Party Advertisers and Property Stakeholders.

5.2.3 Impact on Operations

The Election Sign By-law applies to Federal and Provincial Elections or By-Elections as well as Municipal Elections or By-Elections; therefore, signage may be present any time of year. Grass-cutting operators do not relocate, interfere with or otherwise touch election signs during the permitted period, therefore mowers must be navigated around these signs and manual trimming is not feasible, leaving lengthy grass beneath and around such signs. These operations are further impacted when signs are not removed after the permitted period, or vandalized signs lying flat on the boulevard are not collected.

5.2.4 Distance Provision

The requirement that 'all of a candidate's boulevard signs be a minimum distance of 15 metres from each other' is potentially insufficient in reducing visual pollution. The clause applies to a single Candidate only, which allows other Candidates to place one of their signs within the same span while not regulating Third Party Advertisers at all. Using Ward 4 as an example, during the 2022 Municipal and School Board Elections, all other provisions of the Proposed By-law being equal, 32 election signs belonging to Candidates and Third Party Advertisers could be placed in the same 15 metre span in front of a resident's home.

While staff's recommendation is not to permit signs on boulevards, if Council chooses to permit them it is more suitable to extend the provisions of sections 4.4 through 4.7 of the Proposed By-law, to apply to boulevards. These sections stipulate that only one (1) sign per Candidate or Third Party Advertiser be allowed on residential, private properties and only three (3) signs per Candidate or Third Party Advertiser be allowed on non-residential, private properties. This absolves Candidates, the public and enforcement officers from needing to measure the distance between signs; instead, relying on a simple, visual assessment of placement relative to property lines. These clauses would be further strengthened by a requirement for permission from Property Stakeholders to place election signs.

5.2.5 Election Sign Time Limits - Municipal Elections

Under the Municipal Elections Act, 1996, S.O. 1996, c. 23, Sched. ("Municipal Elections Act, 1996"), regular elections are to be held on the fourth Monday of October leaving the

earliest voting day as October 22 and latest as October 28. A 25-day limit provides for the prohibition of signs until as early as September 27 or as late as October 3 in the year of a regular election. Staff further note, it is important to maintain a time limit that cites the number of days rather than a date as the By-law must consider municipal by-elections, which have no fixed date.

As presented in Report CF-23-34, comparator municipalities prohibit election signs from being placed any sooner than 24 to 60 days prior to voting day. Durham Region municipalities prohibit placement any sooner than 25 to 48 days prior to voting day.

Staff cite no concerns with reducing the time limit for the placement of election signs from 42 days to 25 days. The time-period is arbitrary and set by Council via the Election Sign By-law as there is no minimum or maximum time provided for in any applicable legislation. The Proposed By-law (Attachment 1) has been updated to include the following clause to enact the new time limit:

“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 25 days prior to the last day of voting for a municipal Election;”

5.2.6 Election Sign Time Limits - Federal and Provincial Elections

The federal and provincial time limits for election signs are not impacted by this amendment; however, they are noted here for further context. The Proposed By-law prohibits federal and provincial signs from being placed prior to the writ of election in each instance. The maximum length for federal and provincial signs to be placed under the Proposed By-law is therefore the length of the relevant election period plus three (3) days after voting day.

Federally, voting day must be no earlier than the 36th day and no later than the 50th day after the day on which the writ was issued, making the minimum and maximum lengths of a federal election period 37 days and 51 days, respectively.

Provincially, after the writ is issued, the election period begins and lasts 28 days.

6.0 Financial Implications

The costs associated with any Election Sign By-law are primarily related to enforcement. Costs including staffing, impound facilities, and fleet vehicles totaled \$425 per day during the 2022 Municipal and School Board Elections. Staff time is inclusive of enforcement officers coordinating the impounding and retrieval of signs and the time spent addressing complaints. The cost does not include proactive patrol wherein officers may have removed election signs as this staff time is allocated to general enforcement of the City's by-laws.

Estimated municipal election sign enforcement costs using the current election sign time limit of 42 days was approximately \$17,850 in 2022. The proposed limit of 25 days would potentially reduce the estimated enforcement cost to approximately \$10,625 based on 2022 figures.

These costs do not include the cost of enforcement outside of the allotted window for placement of election signs. Given election signs improperly placed on boulevards caused over 50 per cent of enforcement in 2022, staff would anticipate that further cost savings would be realized should election signs not be permitted on boulevards.

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,
Office of the C.A.O.



**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

"Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

"Boulevard" means the portion of a Highway lying between the roadway and the property line.

"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.

"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.

"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").

"Cenotaph" means a monument or memorial to people who died in war, specifically those who are buried elsewhere.

“City” means The Corporation of the City of Oshawa.

“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.

“Director” means the City’s Director, Municipal Law Enforcement and Licensing Services.

“Division Fence” means a fence marking the boundary between adjoining parcels of land or a road allowance.

“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.

“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.

“Election Sign” means a device, including its structure and other component parts, that is used or is capable of being used to:

- a) Promote a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or to,
- b) 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.

“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.

“Officer” means each of:

- a) The Director;
- b) 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,
- c) A police officer employed by a municipal police force or by the Ontario Provincial Police.

“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.

“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.

“Place” means to affix, alter, attach, construct, display, erect, install, maintain, post, or relocate. Placed, Placement, and Placing shall have a similar meaning.

“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.

“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.

“Region” or “Regional” means the Regional Municipality of Durham.

“Regional Road” means a road forming part of the Regional road system.

“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:

- a) A question, law or by-law submitted to the electors;
- b) An issue associated with a person or political party participating in an Election; or,
- c) A Candidate or political party participating in an Election.

“Vehicle Sign” means any form of an Election Sign displayed in or on a vehicle or trailer.

“Voting Day” means any day on which physical, in-person voting takes place.

“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.

“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 25 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.
- 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

- 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.

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

- 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.

14. 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.

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.

Mayor

City Clerk