

Authority: Administration Committee Report No. 13, Clause No. 1,
adopted as amended, by City of Toronto Council on June 7, 8 and 9, 2000
Enacted by Council: June 7, 2000

CITY OF TORONTO

BY-LAW No. 316-2000

To Regulate Election Signs.

WHEREAS Council may pass by-laws to regulate signs and other advertising devices under paragraphs 146 to 149 inclusive of section 210 of the Municipal Act; and

WHEREAS Council may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the City under section 220.1(2)(a) of the Municipal Act; and

WHEREAS Council may pass by-laws for permitting any person under such conditions as may be agreed upon to place objects in, on, under or over sidewalks and highways under its jurisdiction and for prescribing the terms and conditions upon which such objects are to be placed under paragraph 3 of section 308 of the Municipal Act; and

WHEREAS notice of a proposed by-law regarding election signs was published in a daily newspaper on May 1, 2000 and interested persons were given an opportunity to be heard at a public meeting held on May 16, 2000;

The Council of the City of Toronto HEREBY ENACTS as follows:

Definitions

1. In this by-law,

“Candidate” shall have the same meaning as in the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;

“Election Sign” means any sign:

- (a) advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
- (b) intended to influence persons to vote for or against any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;

“Public Property” means property owned by or under the control of the City of Toronto or any of its agencies, boards or commissions, including public highways, and shall be deemed to include Public Utility Poles, regardless of whether the poles 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 the City, Bell Canada, Enbridge Consumers Gas, Toronto Hydro, the Ontario Electric Services Corporation, and any subsidiaries thereof.

General

2. (1) No person shall erect, attach, place or display an Election Sign except as permitted by this by-law.
- (2) Election Signs shall not be:
 - (a) illuminated; or
 - (b) attached to trees.
- (3) No person shall deface or wilfully cause damage to a lawfully-erected Election Sign.

Election Signs on Public Property

3. (1) No Candidate or his or her agent shall erect, attach, place or display or permit the erection, attachment, placement or display of Election Signs which would otherwise be permitted under section 4 unless:
 - (a) the Candidate has paid an election sign deposit of two hundred dollars (\$200.00) to the City; and
 - (b) the Candidate has paid any amounts owing under section 11 of this by-law within the prescribed time.
- (2) Subject to any deductions made under subsection 10(1) of this by-law, a Candidate is entitled to have his or her election sign deposit refunded no later than 90 days after voting day.

4. (1) Subject to section 3, Election Signs may be erected or displayed on public highways, except highways upon which pedestrians are prohibited, if:
- (a) the signs are no larger than 1.2 square metres (12.92 square feet) in area and no higher than two (2) metres above ground level;
 - (b) on highways without sidewalks, the signs are not located within 1.5 metres of the curb or the edge of pavement;
 - (c) on highways with sidewalks, the signs are not located between the curb and the sidewalk;
 - (d) the signs are not located within fifteen (15) metres of an intersection or pedestrian crossover;
 - (e) the signs are not located on a median or island installed within the highway;
 - (f) the signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - (g) the signs are not erected adjacent to a voting place, City park, or a facility that is owned or operated by the City; and
 - (h) the signs are erected with the consent of the owner or occupant of the abutting property.
- (2) No person shall pull down or remove an Election Sign erected or displayed in accordance with subsection (1) except with the consent of the Candidate to whom the sign relates or the owner or occupant of the abutting property.

5. Despite the provisions of this or any other by-law, no person shall attach an Election Sign to a Public Utility Pole.

Election Signs on Private Property

6. Election Signs may be erected or displayed on private property if:
- (a) the signs are no larger than 1.2 square metres (12.92 square feet) in area and no higher than two (2) metres above ground level, save and except billboard signs and signs on campaign offices;
 - (b) the signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
 - (c) the signs are erected with the consent of the owner or occupant of the property.

7. No person shall pull down or remove a lawfully-erected Election Sign on private property without the consent of the Candidate to whom the sign relates or the owner or occupant of the property upon which the sign is erected.

Timing

8. (1) Election Signs shall not be erected or displayed for a federal or provincial election until the day the writ of election is issued.
- (2) Election Signs shall not be erected or displayed for a municipal election until twenty-five (25) days prior to voting day.
- (3) Despite subsections (1) and (2), Elections Signs may be erected on campaign offices up to sixty (60) days prior to voting day.
- (4) Election Signs shall be removed within 72 hours after the completion of voting on voting day.

Removal of Unlawful Election Signs

9. (1) If a sign is erected or displayed in violation of this by-law, the appropriate City officials may cause the sign to be removed immediately without notice.
- (2) Signs that have been removed under subsection (1) shall be stored by the City for a minimum of 30 days, during which time the owner of the sign or the owner's agent may retrieve the sign by:
- (a) paying any amounts owing to the City under this by-law; and
- (b) providing the City with a signed acknowledgment and release in a form acceptable to the City.
- (3) Any sign that has been removed by the City and stored for more than 30 days may be destroyed or otherwise disposed of by the City without notice and without compensation to the owner of the sign.
- (4) Despite subsection (2), the City shall not be obliged to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.
10. (1) Subject to subsection (2), if an Election Sign is removed from Public Property in accordance with section 9, the Candidate to whom the sign relates will be charged a twenty dollar (\$20.00) fee to be deducted from the refundable portion of the Candidate's election sign deposit to cover the cost of removing the sign.

- (2) The fee described in subsection (1) will be waived if the Candidate provides a sworn statement to the City Clerk indicating that neither the Candidate nor, to the best of the Candidate's knowledge, any person acting on behalf of the Candidate was responsible for the unlawful erection or display of the Election Sign.
 - (3) If a Candidate is in violation of subsection 3(1), the Candidate shall, in addition to any fine or other penalty which may be imposed for an offence under this by-law, be required to pay to the City the cost of removing any of the Candidate's Election Signs erected or displayed on Public Property, which amount may be recovered by legal action or in like manner as municipal taxes.
 - (4) If an Election Sign is removed from private property in accordance with section 9, any person responsible for erecting or displaying or causing the erection or display of the sign in contravention of this by-law shall, in addition to any fine or other penalty which may be imposed for an offence under this by-law, be required to pay to the City:
 - (a) the cost of removing the sign; and
 - (b) if a sign has been stored, a per sign storage charge of \$2.00 per day or part thereof, or \$0.50 per square metre of sign face area per day or part thereof, whichever is the greater, the sign face area to be the total area of all sign faces on the sign;which amounts may be recovered by legal action or in like manner as municipal taxes.
 - (5) If an Election Sign has been stored after being removed from Public Property, the Candidate to whom the sign relates shall pay a storage charge as outlined in subsection (4), which amount may be recovered by legal action or in like manner as municipal taxes.
- 11.**
- (1) If the costs incurred by the City in removing a Candidate's signs from Public Property exceed the election sign deposit paid by the Candidate, the City shall notify the Candidate, who shall have five days after the date notice is received to pay:
 - (a) the outstanding costs of removal at a cost of twenty dollars (\$20.00) per sign; and
 - (b) a further election sign deposit of two hundred dollars (\$200.00).
 - (2) Notice under subsection (1) shall be given to the Candidate by registered mail or facsimile transmission and shall be deemed to be received the next business day.

- (3) A Candidate who has received notice under subsection (1) shall be informed of the outstanding costs of removal which he or she is required to pay.

Use of the City of Toronto Logo

12. No person shall display the City of Toronto logo, in whole or in part, on any Election Sign.

Offences and Penalties

13. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

Liability for Damages

14. The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any 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 his or her agents or employees, in the construction, erection, maintenance, repair or removal of any such signs.

Precedence over Election Sign Provisions in other By-laws

15. The provisions of this by-law supercede the election sign provisions of any other by-law.

ENACTED AND PASSED this 7th day of June, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)