

Authority: Administration Committee Report No. 5, Clause No. 12,
as adopted by City of Toronto Council on July 20, 21 and 22, 2004
Enacted by Council: December 2, 2004

CITY OF TORONTO

BY-LAW No. 1081-2004

To amend City of Toronto Municipal Code Chapter 693, Signs, Article II, Election Signs.

WHEREAS Council may pass by-laws respecting structures, including fences and signs under paragraph 7 of subsection 11(1) of the *Municipal Act, 2001*; and

WHEREAS section 99 of the *Municipal Act, 2001* establishes rules that apply to a by-law of a municipality respecting advertising devices, including signs; 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 clause 391(1)(a) of the *Municipal Act, 2001*; and

WHEREAS Council may pass by-laws respecting highways under paragraph 1 of subsection 11(1) of the *Municipal Act, 2001*; and

WHEREAS notice of proposed amendments to Article II, Election Signs, Municipal Code, Chapter 693, Signs, was posted on the City of Toronto Web site on June 16, 2004 and interested persons were given an opportunity to be heard at a public meeting held on June 28, 2004;

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

1. Article II, Election Signs, Chapter 693, Signs, of The City of Toronto Municipal Code is amended as follows:
 - A. Section 693-5 is amended by adding the following definition of "CAMPAIGN OFFICE" before the definition of "CANDIDATE":

"CAMPAIGN OFFICE – A building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information regarding the candidate."
 - B. Section 693-5 is amended by deleting the definition of "CANDIDATE" and substituting the following:

"CANDIDATE – A person who is running or has expressed an intention to run in a municipal, provincial or federal 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*."
 - C. Section 693-5 is amended by adding to Subsection B of the definition of "ELECTION SIGN" the words "any candidate or" after "for or against".

- D. Section 693-5 is amended by adding the following definition of “HIGHWAY” after the definition of ELECTION SIGN:

“HIGHWAY –

- A. A common and public highway including any sidewalk, untravelled portion of the road allowance, bridge, trestle, viaduct or other structure forming part of or located on the highway and includes a portion of a highway;
- B. But does not include a structure, including a bus shelter and a municipal garbage container, if the structure, shelter or container is not owned by the City or is subject to the rights of a third party under an agreement with the City.”

- E. Section 693-5 is amended by deleting the definition of “PUBLIC PROPERTY” and substituting the following:

“PUBLIC PROPERTY –

- A. Property owned by or under the control of the City of Toronto or any of its agencies, boards or commissions, including 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 and shall also be deemed to include bus shelters, municipal garbage containers or other structures, located on a highway regardless of whether the shelters, containers or structures are owned by the City.
- B. The following shall not be deemed to be public property:
- (1) property owned by a corporation of which the City is the sole shareholder; or
 - (2) property owned by the City and leased to another person or entity for a period of 21 years or longer.”

- F. Section 693-5 is amended by deleting from the definition of “PUBLIC UTILITY POLE” the words “the Ontario Electric Services Corporation” and substituting “Hydro One Inc.”.

- G. Section 693-7C is deleted.

- H. Section 693-7A(1) is amended by deleting “Subsection B” and substituting “Subsection C”.

- I. Section 693-7 is amended by deleting from § 693-7A(1)(a) “\$200” and substituting “\$250”.

- J. Section 693-7 is amended by deleting § 693-7A(2) and substituting the following:
- “(2) Subject to any deduction made under § 693-10B(1) of this article, the person who paid to the City an election sign deposit on behalf of a particular candidate is entitled to have the amount of the election sign deposit refunded no later than 90 days after voting day.”
- K. Section 693-7B is amended by deleting “public” from the title.
- L. Section 693-7B(1) is amended by deleting “Subsection A” and substituting “Subsection B”.
- M. Section 693-7B(1) is amended by deleting “public”.
- N. Section 693-7B(2) is amended by deleting “Subsection B(1)” and substituting “Subsection C(1)”.
- O. Section 693-7B is renumbered as § 693-7C.
- P. Section 693-7A is renumbered as § 693-7B.
- Q. Section 693-7 is amended by adding the following as § 693-7A:
- “A. Election signs are not permitted anywhere on public property other than on:
- (1) a highway, or a public utility pole located on a highway, provided there is compliance with the requirements of Subsection B(1) and Subsection C(1); or
- (2) a structure, including a bus shelter and a municipal garbage container, located on a highway, if permitted under the terms and conditions of any agreement between the owner or operator of the structure and the City or one of its agencies, boards or commissions, and provided there is compliance with the requirements of Subsection B(1) and Subsections C(1)(e) to (g).
- R. Section 693-8A(1) is amended by deleting the words “billboard signs and”.
- S. Section 693-8B is renumbered as § 693-8E.
- T. Section 693-8 is amended by adding the following as § 693-8B:
- “B. Despite § 693-6B(1) and § 693-8A(1), an election sign may be displayed on an illuminated billboard provided that each billboard has been installed under the authority of a permit issued under the applicable sign by-law.”

- U. Section 693-8 is amended by adding the following as § 693-8C:
- “C. Despite § 693-8A(1), election signs no larger than 1.2 square metres (12.92 square feet) in area may be displayed higher than two metres above ground level on buildings on private property if such signs are displayed indoors.”
- V. Section 693-8 is amended by adding the following as § 693-8D:
- “D. A candidate or an agent of a candidate may erect directional signs to identify the location of a campaign office provided that the directional signs are not designed or intended to be election signs and provided that the directional signs comply with all applicable by-laws.”
- W. Section 693-9 is amended by deleting § 693-9C and substituting the following:
- “C. Despite Subsections A and B, election signs may be erected on campaign offices up to 90 days prior to voting day provided that
- (1) in the case of a candidate for the position of Councillor or Trustee, that right shall extend to no more than one campaign office in the ward where the candidate is running for election;
 - (2) in the case of a candidate for the position of Mayor, that right shall extend to no more than four campaign offices.”
- X. Section 693-10B(2) is amended by adding “, within 30 days from the date of receiving a notice of fees due to the City under this article,” after the words “waived if”.
- Y. Section 693-10B(3) is amended by deleting “§ 693-7A(1)” and substituting “§ 693-7B(1)”.
- Z. Section 693-10C(1) is amended by deleting “shall have five days after the date notice is received to” and substituting “, 30 days after the election date, shall”.
- AA. Section 693-11 is deleted and the following is substituted:
- “§ 693-11. Use of City of Toronto logo.
- No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the City.”
- BB. Section 693-13 is renumbered as § 693-14.
- CC. Section 693-12 is renumbered as § 693-13.
- DD. Section 693-11 is renumbered as § 693-12.

EE. The following is added as § 693-11:

“§ 693-11. Payment methods.

The election sign deposit or other debt owed to the City under this article shall only be payable by cash, certified cheque or money order.”

FF. The following is added as § 693-15:

“§ 693-15. Authority of City Solicitor.

Where a candidate has failed to pay any amount owed to the City under this article, and the outstanding amounts cannot be added to a candidate’s tax roll, the City Solicitor may initiate court action to collect the outstanding amount, may appeal any decision where warranted, may discontinue or settle such claim or action where it is concluded by the City Solicitor, in consultation with the City Clerk and the Executive Director of Municipal Licensing and Standards, or successor official, that it is reasonable to do so and may execute any documents as required to discontinue or settle the claim or action.”

2. This by-law comes into force on the date it is enacted.

ENACTED AND PASSED this 2nd day of December, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)