

Amendments to Chapter 693, Signs, Article II, Election Signs

Licensing & Standards Committee
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Municipal Licensing and Standards

- Background
- Review process
- Proposed changes

- Staff received direction from Licensing & Standards Committee (at its meeting of May 26, 2014) to review current election sign regulations and recommended that the period for the display of election signs be amended to three weeks before election day.
- Staff reported back to Licensing & Standards Committee (at its meeting August 18, 2014) and City Council (at its meeting of August 25-28, 2014), with a series of amendments to the Election Signs Bylaw.
- Due to the proximity of 2014 Municipal Election, City Council referred the item back to Licensing & Standards Committee for further consideration.
- Staff are now reporting back with a revised Election Signs Bylaw, which:
 - › responds to Committee/Council directives
 - › establishes a more efficient and streamlined approach to the City's regulation of election signs, acknowledging issues identified by ML&S, City Clerk's Office, and Legal Services, based on experience from previous elections, and
 - › address concerns previously raised by the Auditor General (in 2007) and the Ombudsman (in 2011)

Issues with the current Election Signs Bylaw:

- Significant staff time and resources expended within ML&S, City Clerk's, PPF&A and Legal Services for taking deposits, assessing fees, invoicing, collections, processing refunds, waiving fees, and enforcement
- Administratively, the process is inefficient, ineffective and cumbersome
- Resources expended by the City to administer and enforce the Election Signs Bylaw exceed the fees collected for this purpose
- The Ombudsman and Auditor General questioned the appropriateness of accepting signed affidavits to waive candidate fees

- Consultation with staff from ML&S, City Clerk's Office and Legal Services
- Review of correspondence from
 - › Auditor General in 2007 re: 2006 Municipal Election, and
 - › Ombudsman in 2011 re: 2010 Municipal Electionprimarily focused on the waiver process
- Jurisdictional Research
- Review of *Chapter 693, Signs, Article II, Election Signs*
- Public and Stakeholder Consultation – July 16, 2014
- Review of the *Municipal Elections Act*, specific to signs

Time Period for the Display of Election Signs

Current

- Election signs may not be displayed:
 - › For federal or provincial elections, until the day the writ of election is issued
 - › For municipal elections, until 25 days prior to voting day
 - › On campaign offices, until 90 days prior to voting day

Proposed

- For municipal elections, reduce the time period to 21 days prior to election day
- On campaign offices, amend the time period to be consistent with the timing requirements for the display of all other election signs
- Require that where either the day the writ of election is issued or the 21st day prior to voting day falls on a date of religious or cultural significance, that election signs may not be displayed until the following day

New Definition “Election Sign Period”

Proposed

- Define “Election Sign Period” as the time between when election signs are permitted to be displayed (i.e., from the day the writ of election is issued for federal and provincial elections and 21 days prior to election day for municipal elections) until the time that they are required to be removed (i.e., 72 hours after the completion of voting on election day)

Election Sign Deposit, Fees and Affidavit/Waiver Process

Current

- \$250 election sign deposit required to place election signs on public property
- Deposit is refundable subject to fees deducted for the City's removal and storage of unlawfully displayed election signs:
 - › **\$25 per sign** for removal
 - › **plus \$2 per sign or \$0.50 per square metre of sign face area, per day or part thereof** for storage
- Fees charged may be waived if a candidate:
 - › provides a sworn statement (within 30 days of receiving 'notice of fees due')
 - › indicates that neither the candidate nor, to the best of the candidate's knowledge, any person acting on his/her behalf was responsible for the unlawful display of the election sign

Election Sign Deposit, Fees and Affidavit/Waiver Process

Proposed

- Eliminate:
 - › the requirement to pay a deposit to display election signs on public property,
 - › the current fee structure for the removal and storage of improperly displayed election signs, and
 - › the affidavit/waiver process

Staff are proposing a more efficient system to replace the current practice of taking election sign deposits, assessing and tracking fees, invoicing and attempting to collect monies owed, and then refunding monies— which have required a significant amount of staff time and resources that exceed the fees collected for this purpose.

Storage and Disposal of Election Signs Removed by the City

Current

- Election signs are stored for a minimum of 30 days
- May be retrieved by paying any amounts owing to the City and providing a signed acknowledgement and release
- After 30 days, election signs may be destroyed/disposed of

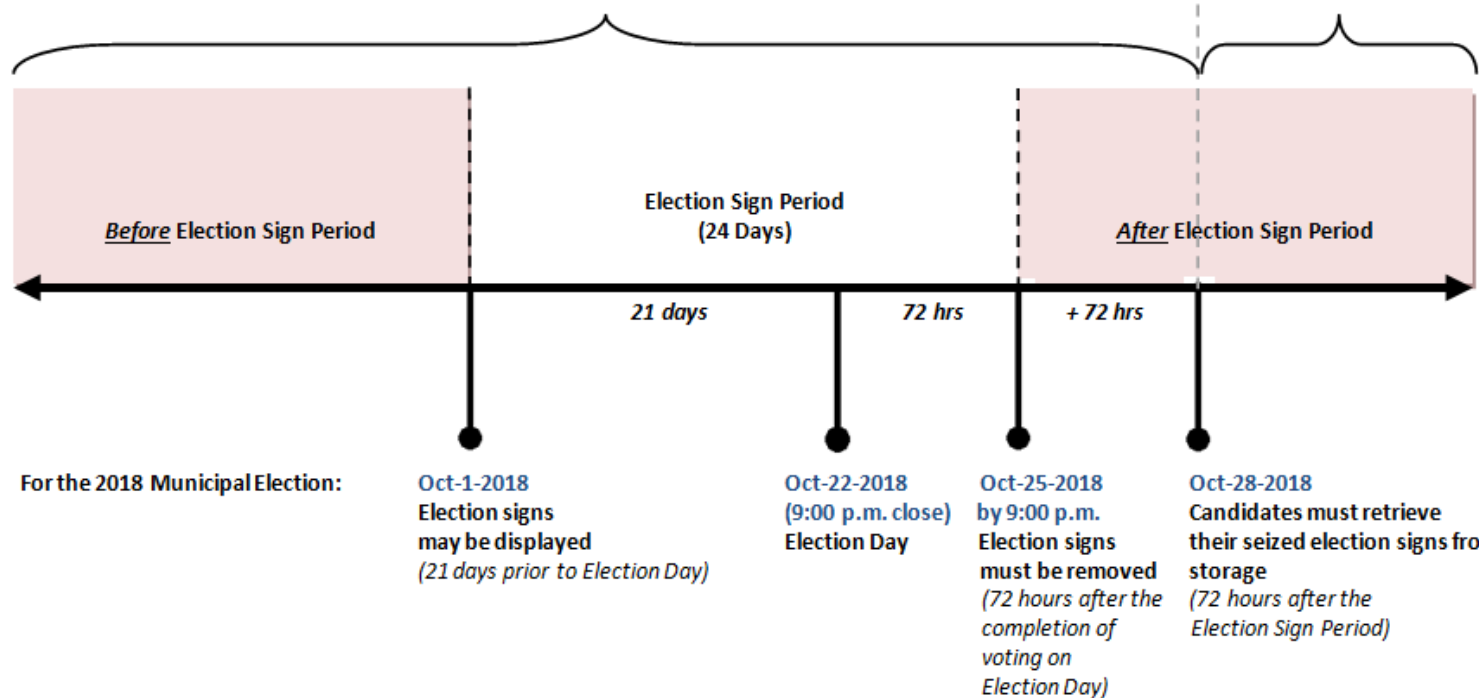
Proposed

- Reduce the timeframe for which the City stores election signs:
 - › Signs removed will be stored for the duration of the Election Sign Period, plus an additional 72 hours after the Election Sign Period
- Provide notice within 24 hours from the time of removal to affected candidates, allow retrieval within this timeframe, and any signs not retrieved may be recycled, destroyed or otherwise disposed of

Overview of Timeframes Related to the Display of Election Signs

- No fees will be charged for the City's removal/storage of improperly displayed election signs.
- Candidates will be notified via email, mail, personal delivery, or fax of sign(s) removed within 24 hours.
- Candidates will have an additional 72 hours after the Election Sign Period to retrieve their sign(s).
- Any signs not retrieved may be recycled, destroyed or otherwise disposed of without notice and without compensation to the candidate.

- No fees will be charged for the City's removal/storage of improperly displayed election signs.
- Signs will be recycled, destroyed or otherwise disposed of without notice and without compensation to the candidate.



For the 2018 Municipal Election:

Oct-1-2018
Election signs
may be displayed
(21 days prior to Election Day)

Oct-22-2018
(9:00 p.m. close)
Election Day

Oct-25-2018
by 9:00 p.m.
Election signs
must be removed
(72 hours after the
completion of
voting on
Election Day)

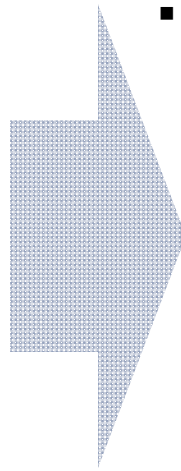
Oct-28-2018
Candidates must retrieve
their seized election signs from
storage
(72 hours after the
Election Sign Period)

*Timeline not to scale

Placement of Election Signs

Current

- Election signs must not interfere with the safe operation of vehicular traffic or the safety of pedestrians
- On public property, election signs must not be displayed:
 - without the consent of the owner/occupant of the abutting property
 - within 1.5 metres of the curb or edge of pavement on highways without sidewalks
 - between the curb and the sidewalk on highways with sidewalks
 - within 15 metres of an intersection or pedestrian crossover on a median or island
 - adjacent to a voting place, City park or a facility that is owned or operated by the City



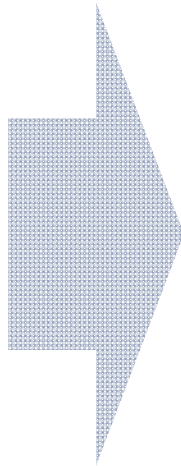
Proposed

- **Clarify that all election signs must not obstruct visibility or block sightlines** for pedestrians, cyclists, and motorists
- To simplify and clarify bylaw requirements:
 - * *the consent of the owner/occupant of the abutting property will no longer be required to display election signs on public property*
 Election signs must not be displayed:
 - **within 1.5 metres of the curb or edge of pavement; and**
 - **within 0.6 metres of either side of the sidewalk**
 - Existing requirements that election signs must not be: within 15 metres of an intersection or pedestrian crossover on a median or island, or adjacent to a voting place, City park or a facility that is owned or operated by the City, will be maintained

Placement of Election Signs

Current

- On private property, election signs must not be displayed without the consent of the owner/occupant of the property
- Election signs displayed indoors (e.g., in windows), must not be larger than 1.2 square metres in area and may be displayed higher than 2 metres above ground level.



Proposed

- No change
- Eliminate existing restrictions on the display of election signs indoors (e.g., in windows), including the current restriction that limits the size of signs to 1.2 square metres

Election Signs on Dedicated Advertising Spaces

Current

- Election signs on TTC dedicated advertising spaces, are permitted provided they meet the conditions of any agreement between the owner or operator of the advertising space and the TTC

Proposed

- New regulations to permit election signs on street installation dedicated advertising spaces, provided they meet the conditions of any agreement between the owner or operator of the advertising space and the City
(consistent with regulations for TTC dedicated advertising space)

Election Signs on Vehicles and Trailers

Current

- No provisions

Proposed

- New regulations to permit election signs on vehicles and trailers, provided that such signage does not obstruct visibility or block sightlines and is not parked or stopped adjacent to a voting place, City park, or facility that is owned or operated by the City

Current

- An election sign may be displayed on an illuminated billboard provided that the billboard has been installed under the authority of a permit issued under the applicable sign bylaw

Proposed

- Clarify that both candidates and third party advertisers are permitted to display an election sign on a billboard, provided that the requirements of the applicable permit issued under Chapter 694, Signs, have been met

New Definition and Regulations “Campaign Office Sign”

Current

- No provisions

Proposed

- Add a new definition of a “Campaign Office Sign” to clearly distinguish it from an election sign
- Must only contain sign copy which identifies the name of the candidate and the location of candidate's campaign office; must not contain electioneering/campaigning language
- Must not be displayed:
 - › For federal or provincial elections, until the day the writ of election is issued
 - › * *For municipal elections, until a candidate has filed his or her nomination papers with the City Clerk*
- Add provisions to the bylaw regarding the requirements for their display, subject to all applicable bylaws and permits obtained

Current

- No provisions

Proposed

Amendments to effect provisions in the recently amended Municipal Elections Act (MEA):

- Add new definitions to capture third party advertisers and related election signs displayed by third party advertisers:
 - “registered third party”
 - “outsider election signs” refers to an election sign paid for by a third party
- Require that “outsider election signs” displayed by third party advertisers comply with the City’s regulations respecting election signs
- Require third party advertisers to register with the City Clerk prior to being permitted to display their signs (*Section 88.6 of the MEA*)
- Require outsider election signs to contain valid and up-to-date contact information to identify at least one individual responsible for the display of the sign (*Section 88.5 of the MEA*)

* Outstanding request from City Council (at its meeting of December 13-15, 2016) to report on the impacts of the recently amended *Municipal Elections Act* respecting third party advertising, will be the subject of a future report.

Thank you.