

CITY OF TORONTO

BY-LAW 399-2021

To amend City of Toronto Municipal Code Chapter 693, Signs, with respect to election signs.

Whereas the City of Toronto Act, 2006 grants the City of Toronto the authority to enact by-laws respecting signs under subsection 8(2) of the Act; and

Whereas Council has authorized the following changes with respect to the regulation of election signs;

The Council of the City of Toronto enacts:

1. Article II, Election Signs of City of Toronto Municipal Code Chapter 693 is deleted and replaced by the following new Article II, Election Signs:

ARTICLE II Election Signs

§ 693-5. Election signs definitions.

As used in this article, except as otherwise indicated, the following terms shall have the meanings indicated:

ARTERIAL ROAD - A highway that is designated as a minor or major arterial road in the City's road classification system.

BOULEVARD - The untraveled portion of a highway, but does not include a median or sidewalk.

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.

CAMPAIGN OFFICE SIGN - A sign containing sign copy which only identifies the name of a candidate in a federal, provincial or municipal election and the location of a candidate's campaign office.

CANDIDATE - A person who is running or has expressed an intention to run in a municipal, provincial or federal election including 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.

CITY – City of Toronto.

COLLECTOR ROAD - A highway that is designated as a collector road in the City's road classification system.

DISPLAY – In any form, "display" includes "erect" and "locate".

ELECTION SIGN - A sign which has been displayed with the authorization, direction or involvement of a candidate that:

- A. Advertises or promotes a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
- B. Is intended to influence 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.

EXECUTIVE DIRECTOR - The Executive Director of Municipal Licensing and Standards and their designate or successor.

HIGHWAY - A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway.

ILLUMINATED – In any form, "illuminated" means lighting of the sign by artificial means.

LOCAL ROAD - Any highway that is not designated as a major arterial, minor arterial or collector road in the City's road classification system.

MEDIAN – Includes a centre boulevard and traffic island.

OUTSIDER ELECTION SIGN - An election sign which has been displayed without the authorization, direction or involvement of a candidate.

PUBLIC PROPERTY -

- A. Property owned by or under the control of the City of Toronto or any of its agencies or boards, including highways and public utility poles, bus shelters, municipal waste containers or structures on highways whether or not they are owned by or under the control of the City; and
- B. Public property does not include:
 - (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.

PUBLIC UTILITY POLE - 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, Hydro One, Inc., and any of their subsidiaries.

REGISTERED THIRD PARTY – An individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996.

SIGN - Any device, fixture, or medium that displays sign copy to attract attention or convey information of any kind including its supporting structure, sign face, lighting fixtures, and all other component parts.

STATION ADVERTISING SPACE - A TTC dedicated advertising space located on part of the property owned by or under the control of the Toronto Transit Commission constituting a subway station.

STREET INSTALLATION DEDICATED ADVERTISING SPACE - An area approved and designated by the City for the purpose of displaying any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including the display of an advertisement, bill, handbill, leaflet, flyer or placard. A street installation dedicated advertising space includes a bus shelter and a municipal waste container located on a highway owned by or under the control of the City.

TTC DEDICATED ADVERTISING SPACE - A location or structure, located on property owned by or under the control of the Toronto Transit Commission, approved and designated by the Toronto Transit Commission for the purpose of displaying any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including the display of an advertisement, bill, handbill, leaflet, flyer or placard. A TTC dedicated advertising space includes a station advertising space and a vehicle advertising space.

TTC VEHICLE - Motorized transportation equipment operated by or on behalf of the TTC including buses, streetcars, rapid transit trains, subway trains, light rail vehicles, wheel-trans vehicles and automobiles.

VEHICLE ADVERTISING SPACE - A TTC dedicated advertising space located in or on a TTC vehicle.

§ 693-6. General restrictions.

No person shall display or permit to be displayed an election sign if:

- A. The election sign is not in compliance with this article including with any general, location or specific requirement for an election sign that is permitted under this article;
- B. Where the election sign is permitted to be secured to the ground or otherwise, the election sign is secured in a manner that prevents the election sign from being readily moved;
- C. The election sign interferes with or causes damage to underground or aboveground services;
- D. The election sign obstructs the City from entering the highway or any portion of it for the purposes of snow removal or any maintenance, installation or repair;
- E. The election sign is animated, contains any video display elements, is illuminated (except as permitted on specified advertising spaces), has flashing lights, emits sound, moves or simulates motion or has any attachments adding to its height or width that result in the election sign being larger than the dimensions required under this article;

- F. The election sign does not include the name of the candidate in a plainly visible and readable format or, in the case of an outsider election sign, does not include valid and up-to-date contact information for at least one individual responsible for the outsider election sign in a plainly visible and readable format;
- G. The removal of the election sign has been ordered or otherwise directed under this article;
- H. The election sign bears or displays the City logo, crest or seal in whole or in part, without the express written permission of the City; or
- I. The election sign does not comply with all applicable City by-laws, federal or provincial statutes or regulations.

§ 693-7. Election signs on public property.

- A. An election sign may be displayed on public property if the election sign:
 - (1) Is on a highway including a public utility pole located on a highway and is:
 - (a) Not on or partly on the median or travelled portion of the highway;
 - (b) Not interfering with the safe operation of motor vehicular traffic, or the safety of cyclists or pedestrians;
 - (c) Not obstructing visibility or blocking sightlines by impeding a pedestrian's or driver's view of an intersection or a vehicular access point;
 - (d) Not on any traffic signal or traffic control device;
 - (e) No larger than 1.2 square metres in area and no higher than two metres above ground level;
 - (f) Not located within 1.5 metres of the curb or the edge of pavement;
 - (g) On a highway with a sidewalk, not located within 0.6 metres of either side of the sidewalk;
 - (h) Not located within 15 metres of an intersection or pedestrian crossover of a collector road or arterial road and not located within 3 metres of an intersection or pedestrian crossover of a local road;
 - (i) Not displayed on or adjacent to a voting place, City park or a facility that is owned or operated by the City; and
 - (j) Displayed with the consent of the owner or occupant of the abutting property, including consent for any election sign to be displayed less than one metre from any other election sign.
 - (2) Is on a structure, including a bus shelter and a municipal waste container, located on a highway if the election sign and is:

- (a) Permitted under the terms of an agreement between the owner or operator of the structure and the City or one of its agencies, boards or commissions; and
 - (b) Not displayed on or adjacent to a voting place, City park or a facility that is owned or operated by the City.
- (3) Is on a TTC dedicated advertising space if the election sign and is:
- (a) Located on station advertising space as permitted under the terms of the agreement between the owner or operator of the station advertising space and the Toronto Transit Commission and is:
 - [1] Illuminated only in accordance with the terms of the agreement between the owner or operator of the station advertising space and the Toronto Transit Commission;
 - [2] No larger than 2.3 square metres in area;
 - [3] Not displayed on or adjacent to a voting place; and
 - [4] Displayed with the consent of the Toronto Transit Commission;
 - (b) Is located on vehicle advertising space as permitted under the terms of an agreement between the owner or operator of the vehicle advertising space and the Toronto Transit Commission and is:
 - [1] Illuminated only in accordance with the terms of the agreement between the owner or operator of the vehicle advertising space and the Toronto Transit Commission;
 - [2] No larger than 2.7 square metres in area;
 - [3] Not displayed on or adjacent to a voting place; and
 - [4] Displayed with the consent of the Toronto Transit Commission.
- (4) Is on a street installation dedicated advertising space and is:
- (a) Permitted under the terms of an agreement between the owner or operator of the street installation dedicated advertising space and the City;
 - (b) Illuminated only in accordance with the terms of the agreement between the owner or operator of the street installation dedicated advertising space and the City;
 - (c) No larger than the area of the street installation dedicated advertising space;
 - (d) Not displayed on or adjacent to a voting place; and

- (e) Displayed with the consent of the City and the street installation dedicated advertising space owner.
 - (5) Is sign copy on a third party sign and is:
 - (a) Operated in accordance with the requirements of the applicable permit issued under Chapter 694, Signs, General, or under the authority of a sign by-law passed by the City, former area municipality, or the former Municipality of Metropolitan Toronto, still in effect as of April 5, 2010; and
 - (b) Not displayed on or adjacent to a voting place.
 - (6) Is attached, painted or otherwise displayed on the surface of vehicles or trailers, located on public property and is not displayed on a vehicle or trailer that is parked, stopped or standing on or adjacent to a voting place, City park or facility that is owned or operated by the City.
- B. An outsider election sign may be displayed on public property if:
- (1) The election sign complies with the requirements for election signs under § 693-7A.
 - (2) The third party advertiser responsible for the outsider election sign has registered with the City Clerk in accordance with the requirements of the Municipal Elections Act, 1996.
- § 693-8. Election signs on private property.
- A. An election sign may be displayed on private property if the election sign:
- (1) Is no larger than 1.2 square metres in area, except election signs on campaign offices.
 - (2) Is no higher than two metres above ground level, except election signs on campaign offices or election signs secured to windows or balconies.
 - (3) Is displayed with the consent of the owner or occupant of the property, including consent for any election sign to be displayed less than one metre from any other election sign.
 - (4) Is sign copy on a third party sign that is displayed:
 - (a) In accordance with the requirements of the applicable permit issued under Chapter 694, Signs, General: or
 - (b) Under the authority of a sign by-law passed by the City, former area municipality, or the former Municipality of Metropolitan Toronto, still in effect as of April 5, 2010;
- B. An outsider election sign may be displayed on private property if the election sign complies with § 693-8A and if:
- (1) The outsider election sign includes valid and up-to-date contact information for at least one individual responsible for the outsider election sign.

- (2) The third party advertiser has registered with the City Clerk in accordance with the requirements of the Municipal Elections Act, 1996.

§ 693-9. Timing.

- A. Election signs and outsider election signs shall not be displayed:
- (1) For a federal election or provincial election until the day the writ of election is issued.
 - (2) For a municipal election until 25 days prior to voting day.
- B. Despite § 693-9A, where the day the writ of election is issued or the 25th day prior to voting day is a date of cultural or religious significance, election signs and outside elections signs shall not be displayed until the first day following that is not a date of cultural or religious significance.
- C. Election signs may be displayed on campaign offices from the day the writ of election is issued for a federal election or provincial election, and up to 25 days prior to voting day for a municipal election, provided that:
- (1) A candidate for the position of Councillor or Trustee may display election signs on no more than one campaign office in the ward where the candidate is running for election.
 - (2) A candidate for the position of Mayor may display election signs on no more than four campaign offices; and
- D. Election signs and outsider election signs shall be removed within 72 hours after the completion of voting on voting day.

§ 693-10. Campaign office signs.

A campaign office sign may be displayed:

- A. If the campaign office sign is a part of a sign structure displayed in accordance with the requirements of Chapter 694, Signs, General, that would otherwise apply to the sign structure; or
- B. In accordance with the requirements of the applicable permit issued under the authority of the sign bylaw passed by the City, former area municipality, or the former Municipality of Metropolitan Toronto, still in effect as of April 5, 2010.

§ 693-11. Lawfully displayed election signs.

No person shall remove, alter or cause damage to a lawfully displayed election sign or outsider election sign except:

- A. In the case of an election sign displayed in accordance with § 693-7A(1) (on a highway including a public utility pole located on a highway), with the consent of:
 - (1) The candidate to whom the election sign relates or the owner or occupant of the abutting property; or

- (2) The registered third party advertiser responsible for the outsider election sign;
- B. In the case of an election sign displayed in accordance with § 693-7A(2) or (4) (on a structure, including a bus shelter and a municipal waste container located on a highway or on street installation dedicated advertising space), with the consent of:
- (1) The candidate to whom the election sign relates.
 - (2) The City of Toronto.
 - (3) In the case of an election sign displayed in accordance with § 693-7A(3) (on a TTC dedicated advertising space), with the consent of:
 - (a) The candidate to whom the election sign relates; or
 - (b) The Toronto Transit Commission.
 - (4) In the case of an election sign displayed in accordance with § 693-8 (on private property), with the consent of:
 - (a) The candidate to whom the election sign relates;
 - (b) The owner of the property on which the election sign is displayed;
 - (c) The occupant of the property on which the election sign is displayed; or
 - (d) The registered third party advertiser responsible for the outsider election sign.

§ 693-12. Offences.

- A. Every person who contravenes any provision of this article is guilty of an offence and on conviction is liable to a fine of no more than \$100,000;
- B. Every person who fails to comply an order made under this article, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000;
- C. In addition to offences referred to in Subsections A and B every person is guilty of an offence under this article who:
 - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this article.
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006.
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this article;
- D. Where a corporation contravenes any provision of this article, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000; and

- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 693-13. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, a By-law Enforcement Officer may enter on land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (1) This article; or
 - (2) A notice or order issued in accordance with this article; and
- B. For the purposes of an inspection under § 693-13A, a By-law Enforcement Officer may:
- (1) Require, for inspection, the production of documents or things relevant to the inspection.
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them.
 - (3) Require information from any person concerning a matter related to the inspection.
 - (4) Be accompanied by such person or persons as the By-law Enforcement Officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection.
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 693-14. Orders to comply.

- A. A By-law Enforcement Officer who finds a contravention of this article may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006;
- B. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed;
- C. If there is evidence that the occupant of the land is not the registered property owner, the notice shall be served on both the registered property owner and the occupant of the land; and
- D. If the address of the registered property owner is unknown, the City is unable to effect service on the registered property owner or occupant of the land under Subsection B or the delay necessary to give an order would result in circumstances that endanger the health or safety of any person or similarly serious

consequences, a placard stating the terms of the order and placed in a conspicuous place on land on or near the property shall be deemed to be sufficient notice to the registered property owner or the occupant of the land.

§ 693-15. Remedial action including removal and disposal.

A. Remedial action.

If a person fails to do a matter or thing required under this article, including or a matter or thing required by an order made under this article the Executive, or persons acting on their instructions, may enter on public property at any time or enter private property at any reasonable time for the purpose of doing the matter or thing at the person's expense; and

B. Removal and disposal of election signs.

- (1) Despite § 693-11 (lawfully displayed election signs), the Executive Director, or a person acting under their direction, if they believe on reasonable grounds that an election sign or a campaign office sign is displayed in violation of this article, may remove the election sign immediately without notice before the removal occurs. After the removal occurs, the Executive Director shall give notice to the candidate or the third party advertiser of the removal in a time and manner as determined by the Executive Director.
- (2) Election signs or campaign office signs that have been removed under § 693-15B(1) shall be stored by the City for 72 hours after voting day.
- (3) During the time the election sign or campaign office sign is stored under § 693-15B(2), the candidate, the third party advertiser or their agent may retrieve the sign by providing the City with a signed acknowledgement and release in a form acceptable to the City.
- (4) Any election sign or campaign office sign that has been removed by the City and stored in accordance with § 693-15B(1) and (2), may be recycled, destroyed, or otherwise disposed of by the City without notice and without compensation to any owner of the sign.
- (5) Despite § 693-15B(2), the City shall not be obliged to store election signs or campaign office signs made entirely of paper or other lightweight material and may destroy these signs immediately on removal.

2. This By-law comes into force on the day it is enacted and passed.

Enacted and passed on May 6, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)