

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

Licensing & Standards Committee
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Municipal Licensing and Standards

- Background
- Review process and jurisdictional scan
- Recommendations for change
- Summary of proposed amendments

Report is being presented to:

- respond to direction from Licensing & Standards Committee at its May 26 and June 26, 2014 meetings
- address issues raised by ML&S, City Clerk's Office, and Legal Services' staff, based on experience from previous elections
- address concerns previously raised by the Ombudsman and the Auditor General

Issues with the current Election Signs By-Law:

- 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
- The Ombudsman and Auditor General both questioned the appropriateness of accepting signed affidavits to waive candidate fees
- Administratively, the entire process is inefficient, ineffective and cumbersome
- The resources expended by the City to administer and enforce the Election Signs By-Law far exceed the fees collected for this purpose

- Consultation with staff from ML&S, City Clerk's Office and Legal Services
- Review of correspondence from
 - › Ombudsman in 2011 re: 2010 Municipal Election
 - › Auditor General in 2007 re: 2006 Municipal Election
- Jurisdictional Research:
Brampton, Hamilton, Mississauga, Ottawa, Pickering, Vaughan.
- Review of *Chapter 693, Signs, Article II, Election Signs*
- Public and Stakeholder Consultation – July 16, 2014

City	Time Period		Fees/Fines	Storage Time
Brampton	Federal/Provincial elections: after 5:00pm on the day the writ drops Municipal elections: after 5:00pm 24 days prior to Election Day	Until 72 hrs. after Election Day	Signs not in compliance removed by the City at the expense of the sign owner	-
Hamilton	Federal/Provincial elections: from the day the writ drops Municipal elections: 28 days prior to Election Day	Until 72 hrs. after Election Day	Signs not in compliance removed by the City at the expense of the sign owner: \$30 per sign per day stored	28 days
Mississauga	Federal/Provincial elections: from the day the writ drops Municipal elections: from the close of nominations	Until 48 hrs. after Election Day	Removal: \$200 per sign greater than 1 sq. metre, or the actual cost Storage: \$20/day or part thereof or \$2 per square metre of sign face or part thereof	30 days
Ottawa	On public property 30 days prior to an election On private property 60 days prior to an election	Until 48 hrs. after Election Day	Signs not in compliance removed and subject to fees between \$50-\$75-\$150 for removal and between \$50-\$75-\$150 for storage, based on sign face area If the cost of removal is greater, the sign owner is charged the actual fee, plus a 15% admin. fee	30 days
Pickering	For federal or provincial elections, on the day the writ drops For municipal elections, 25 days prior to Election Day	Until 72 hrs. after Election Day.	Signs not in compliance removed and subject to a fine of \$25 per sign	30 days
Vaughan	6 weeks prior to Election Day on local and regional roads	Until 72 hrs. after Election Day	Non-refundable deposit (\$300 for mayor, regional or local councillor; \$150 for ward councillor; \$50 for school trustee) to erect election signs Signs not in compliance removed	7 days

Time Period for the Display/Erection of Election Signs

Current

- Election signs may not be erected/displayed for a federal or provincial election until the day the writ of election is issued, and for a municipal election until 25 days prior to voting day

Proposed

- Reduce and standardize the period for which election signs may be erected/displayed for federal, provincial and municipal elections to 21 days prior to election day, and where the 21 days prior to voting day is a date of cultural or religious significance, election signs shall not be erected/displayed until the next day after

New Definition “Election Sign Period”

Proposed

- Define the time period for which election signs may be erected or displayed as commencing: 21 days prior to election day or the next day after where the 21 days prior to election day is a date of cultural or religious significance, and ending: 72 hours after the completion of voting on election day.

Current

- **\$250 election sign deposit** required to place election signs on public property
- **Deposit is refundable** subject to deductions made for removal and storage charges for signs in contravention of the by-law
- **Removal and storage charges refundable** subject to waiver

Proposed

- Candidate is required to pay a **\$250 fee** for the removal/storage of election signs during the Election Sign Period, to place election signs on public or private property
- **Fee is non-refundable**
- **A person is required to pay a \$25 per-sign fee to place election sign on public or private property, where a candidate has not paid the \$250 fee for the removal/storage of election signs during the Election Sign Period**

Amendment: Allow Individuals to Erect/Display Election Signs Where a Candidate Has Not Paid the \$250 Election Sign Fee

Based upon public input since the staff report was made public:

Amend § 693-6 D. so that:

No person may erect or display an election sign on public or private property unless:

- 1) the candidate to whom the sign relates has paid the \$250 fee for the removal and storage of election signs during the Election Sign Period, or
- 2) *the person has paid the per-sign fee of \$25*

The motion to amend the staff report is prepared to action this amendment

Current

- **\$25 per sign** for removal of improperly placed election signs
- **plus \$2 per sign or \$0.50 per square metre of sign face area, per day or part thereof** for storage

Proposed

- **During** the Election Sign Period:
 - Where a candidate has paid the \$250 fee for the removal/storage of election signs during the Election Sign Period, **no additional fees will apply**
 - **Where a candidate has not paid the \$250 fee for the removal/storage of election signs during the Election Sign Period, the \$250 fee for removal and storage will be applied**
- **Outside** of the Election Sign Period :
 - Candidates will be charged a **\$25 per-sign fee** for removal and storage

Amendment: Clarify Fees for Removal and Storage

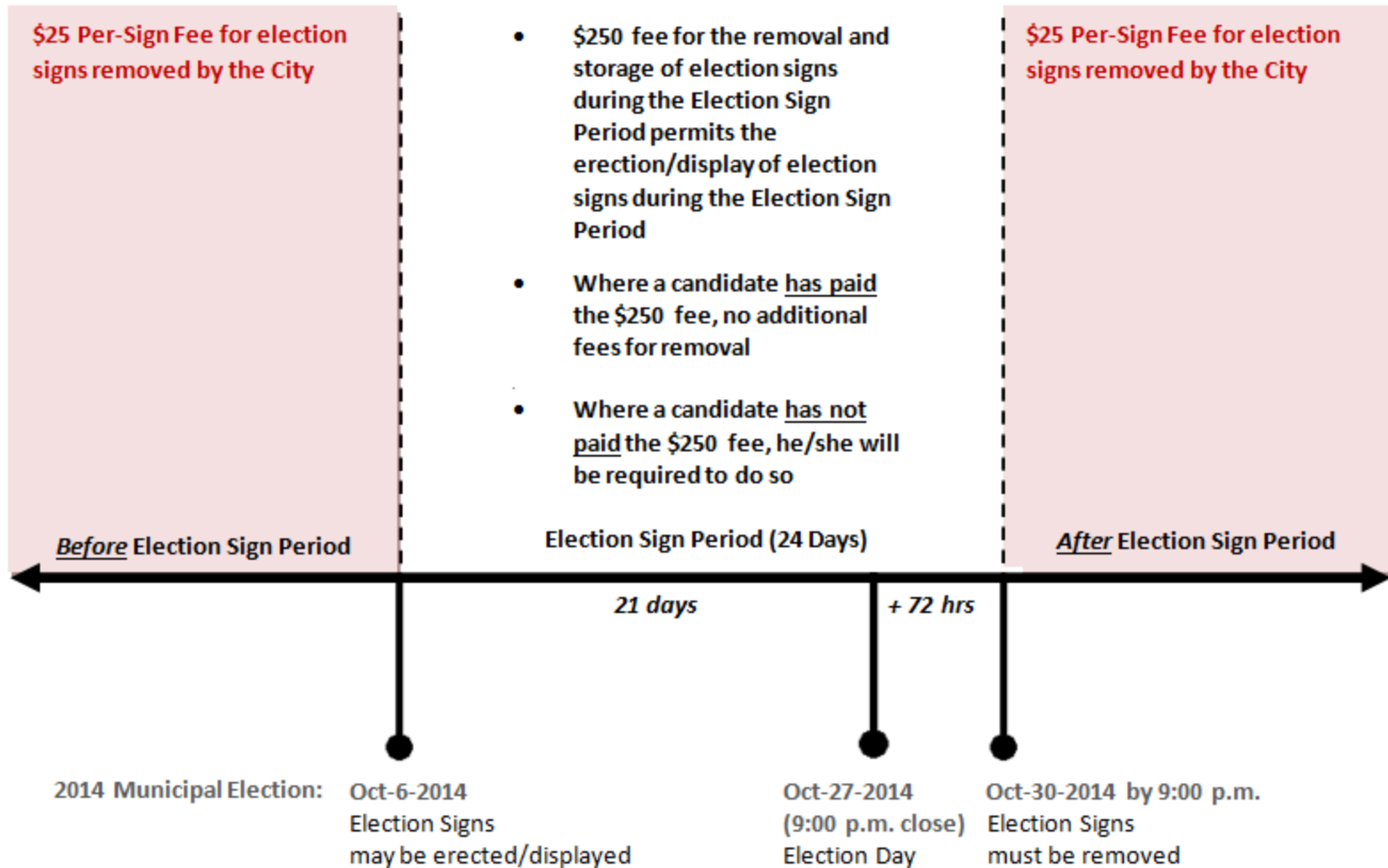
Amend § 693-10 B. (1):

- 1) If an election sign is removed by the City outside of the Election Sign Period, the candidate to whom the sign relates, irrespective of whether they have paid the \$250 fee for the removal/storage of election signs during the Election Sign Period, will be charged the per-sign fee of \$25

Amend § 693-10 B. (2):

- 2) If a candidate has not paid the \$250 fee for the removal/storage of election signs during the Election Sign Period and an election sign is removed by the City during the Election Sign Period, the candidate to whom the sign relates will be required to pay the \$250 fee for the removal/storage of election signs during the Election Sign Period

Summary of Proposed Fees



Current

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 erection/display of the election sign

Proposed

- Delete the waiver of fees/affidavits process

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 during the Election Sign Period will be stored **until the end of the Election Sign Period**
 - › Signs removed outside of the Election Sign Period will be stored **for 72 hours after notice is provided to the candidate** to whom the sign relates
- Provide notice within 24 hours to affected candidates, allow retrieval within proposed timeframes, and any signs not retrieved may be recycled, destroyed or otherwise disposed of

New Definition and Regulations “Campaign Office Sign”

Proposed

- Add a new definition of a “Campaign Office Sign” to clearly distinguish it from an election sign
- Campaign office signs 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.
- Add provisions to the by-law regarding the requirements for the display of campaign office signs, subject to all applicable by-laws and permits obtained

Proposed

- Clarify language that all election signs erected/displayed must not obstruct visibility or block sightlines for pedestrians, cyclists, and motorists
- Add regulations for election signs erected/displayed on street installation dedicated advertising spaces, so that they are permitted provided they meet the conditions of any agreement between the owner or operator of the advertising space and the City
(same as current provisions for TTC dedicated advertising space)

Current

- The election sign deposit or any other debt owed to the City is only payable by cash, certified cheque, or money order

Proposed

- Add debit and credit card payment options as permitted methods of payment

- Election signs may be erected/displayed for federal, provincial and municipal elections, 21 days prior to election day
- If a candidate wants to erect/display election signs on public or private property, he/she must pay the \$250 non-refundable fee for the removal/storage of election signs during the Election Sign Period
- If an individual wants to erect/display election signs on public or private property, where the candidate has NOT paid the \$250 fee for the removal/storage of election signs during the Election Sign Period, he/she must pay the per-sign fee of \$25
- Removal/Storage **during** the Election Sign Period:
 - › no additional fees will be charged for the removal/storage of improperly placed election signs
 - › signs will be stored until the end of the Election Sign Period
 - › if a candidate has not paid the \$250 fee for the removal/storage of election signs during the Election Sign Period, and election signs are removed, he/she will be required to pay the \$250 fee for the removal/storage of election signs during the Election Sign Period

- Removal and Storage **outside** of the Election Sign Period:
 - › \$25-per sign fee will be charged for removal and storage
 - › signs will be stored for 72 hours after notice is provided to the candidate
- Campaign Office Signs must only identify the name of a candidate and the location of a candidate's campaign office
- Election signs must not obstruct visibility or block sightlines for pedestrians, cyclist, and motorists
- Election signs will be permitted on street installation dedicated advertising spaces
- Any charges or debts owed to the City are payable by debit, credit, cash, certified cheque or money order

Thank you.