

Subject: Election Signs By-law Update

Department: Corporate Services

Division: Clerks

Report #: CPS-2021-073

Meeting Date: 2021-10-18

Recommendations

That report CPS-2021-073, Elections Signs By-law Update, be received;

And that a public meeting be held on November 15, 2021 to receive feedback and comments on the proposed Election Signs By-law;

And that staff report back to Council on January 10, 2022 on the comments and feedback received;

Background and Analysis

Council at its meeting held on November 18, 2019, and subsequently during Budget deliberations, directed staff to review specific regulatory by-laws. Accordingly, the approved Regulatory By-law Review Work Plan identified the Election Signs by-law to be reviewed and updated in 2021.

By way of background, the Town of Orangeville regulates signs through:

- By-law 2013-029 (Election Signs By-law)
- By-law 2013-028 (Sign By-law)

This report seeks to outline the proposed updates to By-law 2013-029 Election Signs By-law and minor amendments to By-law 2013-028 Sign By-law to ensure clarity between the two by-laws

Election Signs By-law

The Election Signs by-law establishes a regulatory framework for the erection and displaying of election signs within the Town of Orangeville.

The Town's current Election Signs By-law was adopted in 2013 and has not been amended. The Clerk's Division has undergone a review of the current by-law with consideration of the following:

- enforcement information relating to election signs, during the last two municipal elections, and previous provincial and federal elections;
- the enactment of the Municipal Elections Modernization Act, 2016, which introduced third party advertisers in municipal elections;
- a review of regulations relating to election signs in other municipalities; and
- relevant legislation such as the Municipal Act and the Municipal Elections Act.

The proposed updates to the Election Signs By-law seeks to provide residents, candidates, and third-party advertisers with information that is clear and easy to understand, as well as to improve compliance and staff's resources to enforce the new regulations.

The table below outlines the key changes proposed to the Elections Signs By-law:

Regulations	Current	Proposed
Definitions	11 Definitions	21 Definitions, including: <ul style="list-style-type: none"> • New definitions for clarity • Enhanced existing definitions
Signs can be erected within any Zone	Permitted in any zone	Unchanged
Sign dimensions permitted	<p>On Public Property (municipal road allowance):</p> <ul style="list-style-type: none"> • 1.5 metres squared in sign area • 2 metres in height <p>On Private Property:</p> <ul style="list-style-type: none"> • 1 metres squared in sign area • 2 metres in height 	<p>On all permitted properties:</p> <ul style="list-style-type: none"> • 1.5 metres squared in sign area • 2 metres in height

Display type	None established	Prohibited use of: <ul style="list-style-type: none"> • Town logo, crest, seal, or public property • Animation, containing video display elements or illumination
Placement date	None established	<ul style="list-style-type: none"> • Signs cannot be erected earlier than nomination day • Prior to the issuing of a writ for a provincial or federal election
Display Locations (prohibited)	<ul style="list-style-type: none"> • Signs which impede pedestrian or vehicular traffic, as determined by Director of Public Works • Placement of signs in municipal parks or other municipal properties. • Without the consent of the property owner 	<ul style="list-style-type: none"> • On a highway that interferes with the sightlines and safe movement or visibility of a vehicular traffic, cyclists or pedestrians • Without the consent of the property owner • On Public Property Additional Prohibited Areas: <ul style="list-style-type: none"> • Roadway (includes medians and areas used for vehicular traffic) • On any Official Sign (traffic sign or government regulated sign) • On a tree • At a voting place
Removal & Storage	<ul style="list-style-type: none"> • Clauses and/or provisions established a framework for removal and storage not included in the By-law 	<ul style="list-style-type: none"> • Signs are to be removed within three (3) days after the day of an election • Officers may remove a sign without notice • The Town will recover costs for the removal and storage of signs. • Candidates may retrieve the signs free of charge within three (3)

		<p>business days of being notified by the Town. A fee of \$25.00 per day will be charged thereafter.</p> <ul style="list-style-type: none"> • The Town will store the signs for sixty (60) days after their removal. Following that period, the signs will become the property of the Town and may be destroyed. • The Town may recover the costs payable for the removal and storage of election signs.
Orders	<ul style="list-style-type: none"> • None established 	<ul style="list-style-type: none"> • A section included in the By-law outlining the process for an Officer to make an Order with respect to a contravention of the By-law
Enforcement and Penalties	<ul style="list-style-type: none"> • To be carried out by a municipal officer (municipal by-law enforcement officer, police officer, the Clerk or any other person authorized) • Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a penalty not exceeding \$5,000 for each offence, exclusive of costs. 	<ul style="list-style-type: none"> • To be conducted by an Officer (a police officer, by-law enforcement officer, or any other person appointed by by-law to enforce this by-law) • Addition of clauses with respect to the powers of an Officer in the enforcement of this by-law (including access to land or lot and records, and inspection powers) • Penalties: Every person who contravenes any provision of this By-law or an Order issued pursuant to this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to: <ul style="list-style-type: none"> (a) on a first offence, to a fine not more than \$50,000.00; and

		(b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
--	--	--

Signs By-law

The Signs By-law regulates the use and erection of signs (other than election signs), canopies and other advertising devices within the Town of Orangeville. The proposed amendments to the Sign By-law are meant to simplify the regulatory framework for signs, by removing the references to election signs and the Election Signs By-law.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Transparent and fair decision-making processes

Sustainable Neighbourhood Action Plan

Theme: Not applicable

Strategy: Not applicable

Notice Provisions

The Town's Notice Policy requires that notice be placed on the Town's website and published in a newspaper once per week for two consecutive weeks prior to the holding of a public meeting.

Financial Impact

The Town will recover costs for the removal and storage of signs, through a fee of \$25.00 per day per sign.

Respectfully submitted

Reviewed by

Andrea McKinney
General Manager, Corporate Services

Karen Landry
Town Clerk, Corporate Services

Prepared by

Christopher Johnston
By-law and Property Standards Officer, Corporate Services

Carolina Khan
Deputy Clerk, Corporate Services

Attachment(s): 1. Proposed Election Sign By-law