



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	On Public Property (municipal road allowance): <ul style="list-style-type: none"> • 1.5 metres squared in sign area • 2 metres in height On Private Property: <ul style="list-style-type: none"> • 1 metres squared in sign area • 2 metres in height 	On all permitted properties: <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
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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

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Reviewed by

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



The Corporation of the Town of Orangeville

By-law Number

A by-law to regulate election signs and to repeal By-law 29-2013 and to amend By-law 28-2013

WHEREAS Sections 5 (3), 8, 11(3), 63, 99, 425, 426, 431, 436, 445 and 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to regulate signs and advertising devices;

AND WHEREAS the Council of the Town of Orangeville deems it necessary to regulate election signs in the Town of Orangeville;

NOW THEREFORE BE IT RESOLVED that Council of the Corporation of the Town of Orangeville hereby enact as follows:

1. Title

1.1 This By-law may be referred to as the "Election Sign By-law".

2. Definitions

2.1 In this By-law:

"**Campaign Office**" means a building or portion of a building used by a **candidate** or an agent of a **candidate** as part of an election campaign;

"**Candidate**" means 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 person(s) to vote for or against a candidate or any question or by-law submitted to the electors;

"**Election Sign**" means a **sign** advertising, promoting, supporting, opposing or taking a position with respect to:

(a) a **candidate** or political party in an election under the Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996 or any other election legislation;

- (b) an issue associated with a person or political party in an election under the Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996 or any other election legislation;
- (c) a question, law or by-law submitted to the electors under the Canada Elections Act, Election Act (Ontario), or the Municipal Elections Act, 1996, or any other election legislation.

“**Highway**” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of **vehicles** and included the area between the lateral property lines thereof;

“**Illumination**” or “**Illuminated**” means the lighting of a **sign** by artificial means;

“**Lot**” means a parcel of land which is capable of being legally conveyed;

“**Median**” includes a centre boulevard and traffic island;

“**Nomination Day**” is the last day for filing a nomination to be a **candidate**;

“**Officer**” means a police officer, by-law enforcement officer, or any other person appointed by by-law to enforce the provisions of this By-law;

“**Official Sign**” means a **sign** erected pursuant to any statute, by-law, regulation or other directive or any federal, provincial or municipal government or agency, board or commission thereof;

Owner means the registered owner of a **lot** and includes:

- (a) the **person** for the time being managing or receiving the rent, whether on the **person’s** own account or as agent or trustee of any other **person**, or who would receive the rent if the **lot** were let; and
- (b) a lessee or occupant of the **lot**;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

“**Public Authority**” means any department, appointed agency or commission of the Government of Canada, Province of Ontario, County of Dufferin or **Town**, any governmental body, commission, committee, school board, department or agency, conservation authority or a local hydro utility;

“**Public Property**” means a **lot**, land, **roadway** or building or structure owned by a **public authority** but does not include property owned by a Corporation of which the **Town** is the sole shareholder or that is owned by the **Town** and leased to another **person** or entity for a period of twenty-one (21) years or longer;



“**Roadway**” means the part of a **highway** that is improved, designed or ordinarily used for vehicular traffic, and includes the **median** but does not include the shoulder;

“**Town**” means the Corporation of the Town of Orangeville and its land within the geographic limit of the Town as the context requires;

“**Sign**” means a device, structure, medium or **vehicle** that uses any colour, form, graphic, **illumination**, symbol or writing to convey information of any kind;

“**Sign Area**” means the area of one side of a **sign** where copy can be placed;

“**Sign Height**” means the vertical height of a **sign** from the finished grade to the highest part of a **sign**;

“**Vehicle**” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

“**Voting Place**” means a **lot**, any common elements and that part of the untraveled portion of a **highway** immediately abutting the **lot** where electors cast a ballot;

3. General Prohibitions

3.1 No **person** shall affix, erect, display or permit or cause to be affixed, erected or displayed an **election sign**:

- (a) prior to the issuing of a writ for a provincial or federal election;
- (b) no earlier than **nomination day**;
- (c) on a **highway** that interferes with the sightlines and safe movement or visibility of a vehicular traffic, cyclists or pedestrians;
- (d) that constitutes a danger or hazard;
- (e) on an **official sign**;
- (f) on a **roadway**;
- (g) greater than 1.5 m² in **sign area**;
- (h) greater than 2 m in **sign height**;

- (i) at a **voting place**;
- (j) on **public property**;
- (k) that bears or displays the **Town** logo, crest, seal or **public property**;
- (l) on a tree;
- (m) that is animated, contains any video display elements or is **illuminated**;
- (n) three (3) days after the day of an election;
- (o) other than in accordance with any provincial and federal legislation.

3.2. No **person** shall affix, erect, display or permit or cause to be affixed, erected or displayed an **election sign** without the consent of the **owner** of the **lot**.

3.3 Notwithstanding any other provision of this By-law, an **election sign** may be placed within a **Campaign Office** in accordance with the **Town's** Sign By-law once a **Candidate** has filed his or her nomination.

3.4 An **election sign** placed within a **Campaign Office** is not subject to the **sign area** and **sign height** restrictions of this By-law.

3.5 An **election sign** on a **vehicle** is not subject to the **sign area** and **sign height** restrictions of this By-law.

4. Removal and Storage

4.1 A **Candidate** shall remove or cause to be removed an **election sign** within three (3) days after the day of an election.

4.2 An **Officer** may remove or cause to be removed without notice an **election sign** that does not comply with this By-law.

4.3 The **Town** shall recover the costs for the removal and storage of an **election sign** from the **candidate**.

4.4 The fee payable to the **Town** by a **Candidate** for the removal and storage of an **election sign** is \$25.00 per day following the three (3) business day period as provided for in section 4.6.

4.5 The **Town** upon removal and storage of an **election sign** that does not comply with this By-law shall notify the **Candidate** by email at the email address provided on the nomination form or on an **election sign**.

4.6 Where the **Candidate** claims and retrieves an **election sign** within three (3) business days of being notified by the Town a fee is not payable to the **Town**.



- 4.7 Where an **election sign** is not claimed by the **Candidate** within sixty (60) days after its removal, it becomes the property of the **Town** and may be destroyed.
- 4.8 The **Town** may commence proceedings against a **person** to recover the costs payable for the removal and storage of an **election sign**.
- 5. Orders**
- 5.1 If an **Officer** has reasonable grounds to believe there is a contravention of this By-law, the **Officer** may make an Order requiring the **person** who contravened this By-law or who caused or permitted the contravention to occur to:
- (a) discontinue the contravening activity; and/or
 - (b) do work or take action to correct the contravention.
- 5.2 An Order under section 5.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the **lot** or **highway** on which the contravention occurred; and
 - (c) either:
 - (i) in the case of an Order under section 5.1 (a), the date by which there must be compliance with the Order; or
 - (ii) in the case of an Order under section 5.1 (b), the action to be done and the date by which the action must be done.
- 5.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:
- (a) the **person** the **Officer** believes contravened this By-law; and
 - (b) such other **person(s)** affected by the Order as the **Officer** making the Order determines.
- 5.4 The Order shall be deemed to have been served on the fourth (4th) day after the date of mailing or on the date of personal service or on the date of email transmission.
- 6. Enforcement and Penalty Provisions**

- 6.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 6.2 An **Officer** may enter on land or a **lot** at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the By-law is complied with;
 - (b) a direction or Order made under the *Municipal Act, S.O. 2001, c.25*, as amended, or this By-law is complied with.
- 6.3 For the purposes of an inspection under this By-law, an **Officer** may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any **person** concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 6.4 All documents and records shall be kept in a good and business-like manner for review by the **Officer** at their request.
- 6.5 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:
- (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
- 6.6 Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 6.7 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 6.8 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request, failure to do so shall



be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

- 6.9 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 6.10 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

7. **Severability**

- 7.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the **Town** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

8. **Interpretation**

- 8.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 8.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

9. **Amendment and Repeal**

- 9.1 That By-law 28-2013 be amended as follows:
- (a) delete section 3.22;
 - (b) delete section 4.8 (a) and replace it with the following:
“4.8 (a) an election sign in accordance with the Town’s Election Sign By-law;”
- 9.2 That By-law 29-2013 is hereby repealed.

Read three times and passed in open Council this day of , 2021.

Sandy Brown, Mayor

Karen Landry, Clerk