

The Corporation of the City of Pickering

By-law No. 7591/17

Being a by-law to Regulate Election Signs

Whereas paragraph 7 of subsection 11(3) of the *Municipal Act*, 2001, S.O. 2001, c.25 states that a municipality may pass by-laws respecting signs;

And Whereas Council deems it desirable to repeal section 63 of Sign By-law No. 6999/09 regarding Election Signs and to replace it with an Election Sign By-law to effectively regulate signs which create a nuisance, affect public safety and detract from the character of the community during an election period.

Now Therefore be it Resolved That the Council of The Corporation of the City of Pickering enacts as follows:

01 Definitions

- 01.01 **Campaign Office Sign** - means an Election Sign displayed on a building or portion of a building which is used by a candidate or an agent of a candidate as an election campaign headquarters.
- 01.02 **Candidate** - has the meaning ascribed to it in the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*, as applicable, and shall be deemed to include a person registered pursuant to any of the above-noted statutes or an agent for a registered person seeking to influence anyone to vote for or against a question or by-law submitted to the electors.
- 01.03 **City** - means The Corporation of the City of Pickering or the geographical area of Pickering, as the context requires.
- 01.04 **City Clerk** - means the City Clerk of the City of Pickering or a person delegated by the City Clerk for the purpose of this By-law.
- 01.05 **display** – means, but is not limited to, display, erect, affix, attach, place or maintain or cause or permit to be erected, affixed, attached, placed or maintained.
- 01.06 **Election** - means any federal, provincial or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission.
- 01.07 **Election Sign** - means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin, banner or vehicle wrap, which: (a) identifies, depicts, promotes, advertises or provides information about (i) an

individual who is a candidate; or (ii) a question or by-law submitted to electors; or (b) promotes recognition of or influences persons to vote for or against any candidate or any question or by-law submitted to electors. An Election Sign does not include any election campaign literature. For the purpose of clarification, "Election Sign" includes "Vehicle Sign" and "Campaign Office Sign".

01.08 **Election Sign Owner** – any person who places or permits the placing of an Election Sign, or any person described on the sign, or whose name, address or telephone number is on the sign or who benefits from the message on the sign. For the purposes of this By-law there may be more than one owner of an Election Sign. A person is not an Election Sign Owner by reason of being an owner of private property on which an Election Sign is displayed.

01.09 **Highway** - has the same meaning as in subsection 1(1) of the *Highway Traffic Act* and includes unopened and unassumed road allowances.

01.10 **Vehicle Sign** - means any form of Election Sign displayed in or on a vehicle or trailer.

01.11 **person** – includes, but is not limited to, a corporation and the heirs, executors, administrators, or other legal representatives of an individual person.

01.12 **private property** - does not include the side of a fence located on a property boundary which faces public property.

01.13 **Voting Day** - means any day on which voting takes place or on which voting by internet or telephone is permitted within the City.

01.14 **Voting Place** - means any public building or property, including parking lot, where voting takes place, and includes 100 metres on either side of such building or property.

02 References

02.01 In this By-law, any reference to any Act or By-law is a reference to that Act or By-law as it is amended or re-enacted from time to time.

02.02 Unless otherwise specified, references in this By-law to sections or schedules are references to sections or schedules in this By-law.

03 Word Usage

03.01 This By-law shall be read with all changes in gender or number as the context requires.

03.02 In this By-law, a grammatical variation of a word or expression defined has a corresponding meaning.

04 Severability

04.01 Each section of this By-law is an independent section, and the holding of any section or part of any section of this By-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this By-law.

05 Application

05.01 This By-law applies to all Election Signs displayed within the City.

06 General

06.01 No person shall display an Election Sign within the City except in accordance with the provisions of this By-law and all applicable legislation.

06.02 This By-law shall not apply to signs displayed by the City to provide information concerning an Election or any part of an Election process.

06.03 No person shall display an Election Sign without the name and contact information of the Election Sign Owner on it.

06.04 No person shall display an Election Sign at any location other than entirely on private property or on a Regional road in accordance with the Region of Durham's Sign By-law, provided, however, that a Vehicle Sign can be displayed by a Candidate on or in a vehicle owned by the Candidate while such vehicle is in use on any Highway in accordance with all applicable laws and by-laws.

06.05 No person shall display an Election Sign that is more than 1.5 m² in area.

06.06 No person shall display an Election Sign on private property without permission or consent of the owner or occupant of the property.

06.07 No person shall display an Election Sign that:

- a) Is painted on, attached to or supported by a tree, stone or other natural object;
- b) Incorporates flashing lights or rotating parts;
- c) Is illuminated;
- d) Simulates any traffic control device;

- e) Is affixed to public utility poles;
- f) Is displayed so as to obstruct, impede or interfere with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by firefighter to any part of a building or fire hydrant;
- g) Is displayed so as to impede, hinder or prevent parking by vehicles on private or public lands or on a highway; or
- h) Includes the City of Pickering's logo, crest or seal in whole or in part, however, official City of Pickering portable magnet signs issued to the sitting Mayor and Councillors are exempt from this paragraph.
- i) Is in contravention of the *Election Act, Canada Elections Act*, or the *Municipal Elections Act*, as applicable.

06.08 No person shall remove, deface or willfully cause damage to a lawfully displayed Election Sign.

06.09 No person shall, at any time on any Voting Day, display an Election Sign on any property used as a Voting Place or where the administration of Election processes are conducted.

06.10 No person shall display a municipal Election Sign except within the boundaries of the Ward(s) to which the Election Sign relates.

06.11 No person shall display a provincial and/or federal Election Sign except within the Candidate's riding boundary.

06.12 Notwithstanding any other provision of this By-law, where a road serves as a boundary between Wards, no person shall display an Election Sign except on private property on the side of the road within the boundaries of the Ward/Riding to which the Election Sign relates.

06.13 Notwithstanding any other provision of this By-law, where a Regional road is a municipal boundary road, no person shall display an Election Sign except on the side of the road within the City of Pickering.

06.14 In the event of any conflict between this by-law and the Region of Durham Sign By-law, the Region of Durham By-law shall prevail.

07 Vehicle Signs

07.01 No person shall display a Vehicle Sign except in accordance with all provisions of this By-law.

07.02 The total area of the Vehicle Sign(s) displayed on any one vehicle shall not exceed 1.5 m².

07.03 Notwithstanding anything else contained in this By-law, no person shall be prohibited from displaying a business-related sign on a vehicle provided that:

- a) such business operation is duly registered or incorporated as required by all applicable laws and has filed a Federal income tax return for the preceding two years and/or has met the requirements of the Canada Revenue Agency as a self-employed person;
- b) such sign is limited to providing only information related to the business;
- c) such sign is not used in the course of campaigning or advocacy in relation to any Election or otherwise for the purpose of, or with the intent of promoting such person in an Election; and
- d) such sign complies with the provisions of By-law 6999/09.

For the purposes of this section, "campaigning or advocacy in relation to any Election" includes but is not limited to:

- a) door-to-door visits to electors;
 - b) distribution of any printed matter, Election Signs or paraphernalia; and
 - c) public appearances,
- related to any Election.

08 Campaign Office Signs

08.01 Paragraphs 06.04, 06.05 and 06.07(c) of this By-law do not apply to Campaign Office Signs.

08.02 A Campaign Office Sign may be displayed on a Campaign Office as soon as the Candidate has filed his or her nomination papers.

08.03 Campaign Office Signs must comply with all applicable provisions of Sign By-law 6999/09.

09 Timing

- 09.01 No person shall display an Election Sign for a federal or provincial Election prior to the day the writ of Election is issued.
- 09.02 No person shall display an Election Sign, including a Vehicle Sign, until 25 days in advance of the last Voting Day for the Election to which the sign relates.
- 09.03 No person shall display an Election Sign more than 3 days after the last Voting Day for the Election.
- 09.04 Portable magnet signs issued by the City to the sitting Mayor and Councillors must not be displayed at any time after commencement of the 25 day period referred to in section 09.02.

10 Removal of Unlawful Election Signs

- 10.01 Where an Election Sign has been displayed contrary to this By-law, the City may remove such sign immediately, without notice or compensation.
- 10.02 Election Signs that have been removed under section 10.01 shall be stored by the City for a period of 30 days, during which time the Candidate or Candidate's agent may retrieve the sign upon payment of a fee of \$25.00 per sign.
- 10.03 Any Election Sign that has been removed by the City and stored for more than 30 days may be destroyed or otherwise disposed of by the City without notice and without compensation.
- 10.04 Despite section 10.02, the City shall not be obliged to store Election Signs made entirely of paper material, and may dispose of such Election Signs immediately upon removal.

11 Offence

- 11.01 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction pursuant to the provisions of the *Provincial Offences Act* is liable to a fine of not more than \$10,000.00.
- 11.02 No person shall make a false or intentionally misleading recital of fact, statement or representation in any application or other document required by this By-law.
- 11.03 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an officer enforcing the provisions of this By-law.

11.04 Where an officer has reasonable grounds to believe that an offence has been committed by a person under this By-law, the officer may require the name, address and proof of identity of that person, and the person shall supply the requested information.

12 Liability for Damages

12.01 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person displaying or owning any Election Sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the construction, erection, display, maintenance, repair or removal of such signs.

13 Conflict

13.01 If a provision of this By-law conflicts with a provision of any applicable Act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall prevail.

14 Repeal

14.01 Section 63.(1) to 63.(6) and Schedule "A" – Redemption Fee – Election Signs of Sign By-law No. 6999/09 is repealed.

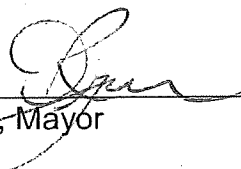
15 Short Title

15.01 The short title of this By-law is the "Election Sign By-law".


16 Effective Date

16.01 This By-law shall take effect on the date that it is passed.

By-law passed this 11th day of December, 2017.



David Ryan, Mayor



Debbie Shields, City Clerk

Excerpt from March 12, 2018 Council Minutes

a) Amendment to Election Sign By-law

Resolution #419/18

Moved by Councillor McLean
Seconded by Councillor Brenner

Whereas the City's Election Sign By-law 7591/17 was passed on December 11, 2017;

Whereas the said By-law contains an exemption for legitimate business signs;

Whereas the provisions of the By-law related to business signs require clarification,

Now Therefore be it resolved that Election Sign By-law 7591/17 be amended as follows:

- a) The title of Section 7 is amended to "07 Vehicle Signs and Businesses"; and
- b) Section 7.03 is amended by inserting the words "or in any other location" after the word "vehicle" in the second line.

Carried