



Memorandum

Corporate By-law Number BL 56/2022

TO: Office of the City Clerk **FILE:**

FROM: Dana Earle
City Manager's Office - Office of the City Clerk

DATE: 05/04/2022

SUBJECT: BL 56/2022 - Election Sign By-law

MEETING DATE: City Council - 06/27/2022 (mm/dd/yyyy)

By-law Description: A By-law to manage and regulate Election Signs in the City of Thunder Bay, in the District of Thunder Bay.

Authorization: Report R 88/2022 (City Manager's Office / Office of the City Clerk) - Committee of the Whole – June 6, 2022.

By-law Explanation: The purpose of this by-law is to manage and regulate the placement of election signs for federal, provincial, municipal and school board elections and by-elections.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 56/2022

A By-law to manage and regulate Election Signs in the City of Thunder Bay, in the District of Thunder Bay.

Recitals

1. The *Municipal Act*, 2001, S.O. 2001, c.25, as amended, subsection 5(3) provides that a municipal power shall be exercised by by-law.
2. The *Municipal Act*, 2001, S.O.2001, c.25, as amended, subsection 10(2) authorizes the City to pass by-laws respecting signs.
3. The *Municipal Act*, 2001, S.O. 2001, c.25, as amended, subsection 63(1) authorizes the City, if it passes a by-law for prohibiting or regulating the placing of an object on or near a Highway, to provide for the removal and impounding of such object placed on or near a Highway in contravention of that by-law.
4. The *Municipal Act*, 2001, S.O. 2001, c.25, as amended, section 425 authorizes the City to pass by-laws providing that any person who contravenes a by-law of the municipality is guilty of an offence.
5. The *Municipal Act*, 2001, S.O. 2001, c.25, as amended, section 429 authorizes a municipality to establish set fines for offences under a by-law of the municipality.
6. The *Municipal Act*, 2001, S.O. 2001, c.25, as amended, section 445 authorizes a municipality to make an order requiring a person who has contravened a by-law or who has caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention.
7. The City of Thunder Bay's Sign By-law was enacted on May 25, 1992, therefore it is deemed necessary to enact a stand-alone by-law which regulates Signs for the federal, provincial, municipal and school board elections.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Scope

- 1.1 This by-law shall apply to:
 - a) All regular Federal, Provincial, Municipal and School Board Elections, including any by-election; and
 - b) Candidates, Third-Party Advertisers and all other persons erecting Election Signs.
- 1.2 If any provision of this by-law conflicts with any provision of any other City of Thunder Bay by-law, the provision of this by-law shall take precedence.

2. Short title

2.1 This by-law may be referred to as the “Election Sign By-law.”

3. Definitions

3.1 In this by-law:

- a) “Abandoned Signs” means an Election Sign that remains following the conclusion of the election and is not removed.
- b) “Billboard Sign” means a sign structure and sign face, erected under the authority of a Sign By-law permit, which lawfully allows advertising space to be upon which the space is sold or rented to a person who does not occupy the premises where the Sign is located.
- c) “Boulevard” means all parts of a Highway except the Roadway, Shoulder or Sidewalk.
- d) “Campaign Office” means one building or structure, or part of one building or structure, used by a Candidate.
- e) “*Canada Elections Act*” means the *Canada Elections Act*, S.C. 2000, c.9, as amended and any successor legislation.
- f) “Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act, 1996*.
- g) “City” means the Corporation of the City of Thunder Bay.
- h) “City Clerk” mean the City Clerk or their designate.
- i) “*Election Act*” means the *Election Act*, R.S.O. 1990, c.E.6, as amended and any successor legislation.
- j) “Election Sign” means any officially authorized sign by a candidate or registered third party advertiser or other election advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof:
 - i. Advertising or promoting by use of words, pictures, graphics or any combination thereof is used by or on behalf of a candidate in a federal, provincial or municipal election or by-election; or
 - ii. Intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under the *Municipal Elections Act, 1996*.
- k) “Election Vehicle Sign” means and Election Sign(s) that is non-illuminated and is affixed securely to the vehicle in a one dimensional plane (flat), except where a vehicle wrap is employed.
- l) “Highway” means property owned by the Corporation that is opened to the public as a route for vehicular Traffic. The term includes the entire property, encompassing all of the: Roadway, Boulevards, Curbs, Crosswalks and Shoulders.
- m) “Manager of Licensing & Enforcement” means the Manager or their designate.
- n) “Mobile Sign” means a mobile sign as set out in the Sign By-law but does not include mobile billboard signs.

- o) “*Municipal Act*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and any successor legislation.
- p) “*Municipal Elections Act, 1996*” means the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended and any successor legislation.
- q) “Municipal Law Enforcement Officer” means a person appointed by the Corporation to enforce its By-laws.
- r) “Officer” means a Municipal Law Enforcement Officer appointed for the City of Thunder Bay, or a Police Officer.
- s) “Owner” means the person who Places or permits the placing of an Election Sign or any person described on the Election Sign, whose name, address or telephone number is on the Election Sign or who benefits from the message on the Election Sign and for the purposes of this By-law there may be more than one owner of an Election Sign. For these purposes an “Owner” would be a candidate or registered third party advertiser.
- t) “Park” shall include any land or premises under the control and /or ownership of the City for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land.
- u) “Person” includes a corporation.
- v) “Place” means attach, affix, install, erect, build, construct, reconstruct, move or display.
- w) “Private Property” means real property that is not a Highway or Public Property.
- x) “Public Property” means real property owned or under control of the City of Thunder Bay, Provincial Government, Federal Government or any of their respective agencies, boards or commissions including but not limited to Highways, all road allowances, Boulevards, Parks, open spaces and vacant public lands.
- y) “Roadway” means that part of a Highway, a private road, a Lane, or a driveway that is designated or ordinarily used for vehicular traffic, but does not include the Shoulder. Where a Highway includes two or more separate Roadways, the term refers to any one Roadway separately and not all of the Roadways collectively.
- z) “Sidewalk” means a portion of a Boulevard which is improved with concrete or pavement to accommodate pedestrian travel. The term expressly excludes any such walkway that is considered to be part of the Corporation’s recreational trail system and signed as such.
- aa) “Sign” means any sign or other advertising device, surface or structure and any component or appurtenant parts, used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message, and includes a banner, awning, canopy, marquee, menu board, poster or billboard.

- bb) “Sign By-law” mean the City of Thunder Bay Sign By-law 135-1992, as amended, or any successor by-law.
- cc) “Sign Height” means the vertical height of a Sign from the finished grade to the highest part of the Sign.
- dd) “Third Party” means an individual, corporation or trade union that is registered as a third party under any legislation in force that regulates third party advertisers.
- ee) “Voting Location” means the entire building where voting will occur and the entire property associated with the building where voting is scheduled to take place, including advance voting days, on those dates when voting is to occur and includes the 24 hours preceding any established voting date.

4. General Requirements

4.1 Election Signs that are erected in accordance with the provisions of this By-law, are exempt from the requirements of the Sign By-law, to obtain a permit.

4.2 Election Signs are permitted on any Billboard Sign or Mobile Sign, where such sign is authorized with a permit issued for the location under the Sign By-law; Election Vehicle Signs are permitted without a permit during the period Election Signs are permitted under this by-law.

4.3 Where a Billboard Sign is a digital sign, the operation of the sign for the purposes of displaying Election Signs, must conform to the rules for “Illuminated and Electronic Signs” as contained within the Sign By-law, as amended by By-law 125/2016 (section 5.6), regardless of then the authorizing permit was issued to erect and operate the sign structure.

4.4 Election Signs permitted under this by-law shall have dimensions that are not more than 1.2 meters in side width, for each of two sides, and not more than 2.0 meters Sign Height, except where a Billboard sign or mobile signs is utilized under a valid permit, then this Sign Height restriction for Election signs does not apply.

5. Contents of elections signs

5.1 Each Election Sign that is erected on behalf of the candidate shall clearly identify who is responsible for the messaging, in a font easily readable at a distance of five (5) meters except that such identity on Billboard Signs and mobile signs must be visible from the adjacent street level.

5.2 Each Third Party sign shall identify the name of the registered Third Party, the municipality where the Third Party is registered and a telephone number, mailing address or email address at which the registered Third Party may be contacted.

5.3 No person shall display any of the City’s official marks or the City’s logo or the City’s municipal election logo, in whole or in part, on any Election Sign.

6. Timing

6.1 Every candidate or their agent, Third Party or any other person shall only affix, erect or otherwise display an Election Sign or cause an Election Sign to be erected, affixed, or otherwise displayed:

- a) the Tuesday following Nomination Day of a referendum, a municipal question or a municipal or school board election or by-election; or
- b) after the issuance of the writ for a provincial or federal election or by-election; and
- c) shall be removed within 72 hours following voting day.

6.2 Notwithstanding subsection 6.1 (c) above, Election Signs at a Campaign office have fourteen (14) days to remove Election Signage.

7. Locations in general

7.1 No person shall Place or permit to be placed an Election Sign, in any ward that they are not officially nominated or registered in.

7.2 No Election Sign shall be located where it will interfere with the safe movement or visibility of any vehicle or pedestrian traffic or where it is a general hazard to public safety.

7.3 No Election Sign shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue, air intake or air exhaust, nor so as to prevent or impede the free access of emergency personnel to any part of a building, including any emergency water connection or fire hydrant.

8. Election signs on private property

8.1 No Election Sign shall be placed or permitted to be placed on Private Property without the property owner's or an occupant's consent.

8.2 No more than three (3) Election Signs will be allowed per Private Property lot.

8.3 Notwithstanding subsection 8.2, one Election Sign per Candidate per 500 meters of frontage is allowed for commercial or industrial properties.

9. Election signs on public property

9.1 No person shall Place or permit to be placed an Election Sign on any Public Property, including City boulevards and highways.

10. Election signs near voting locations

10.1 No person shall, at any time on any election voting day including those days when advance election voting is held, erect, cause or permit to be erected an Election Sign or display a vehicle sign on any grounds associated with any place being used as a Voting Location.

10.2 No person shall at any time erect, cause or permit to be erected, or maintain an election Sign or vehicle sign within 150 meters of a Voting Location except on Private Property.

11. Campaign office exemptions

11.1 Despite the foregoing provisions regarding the timing of Placing Election Signs, Election Signs may be erected on a Candidate's Campaign Office, once the Candidate has filed their nomination with the City Clerk.

12. Removal or damage of election signs

12.1 Every Owner shall remove all Election Signs within 72 hours (3 days) immediately following 11:59 p.m. of the day of the election, except as otherwise provided.

12.2 No person shall deface, remove or willfully cause damage to a lawfully erected campaign sign.

12.3 The Manager of Licensing & Enforcement, or designate, may remove or cause to be removed immediately, without notice, any Election Sign that does not comply with this By-law.

12.4 The Manager of Licensing & Enforcement, or designate, may recover the expense for the removal of an Election Sign from the Owner of the Sign and may commence proceedings against the Owner to recover such expense.

12.5 The Manager of Licensing & Enforcement, or designate, without notice or compensation, shall destroy or otherwise dispose of Election Signs removed in accordance with this by-law.

12.6 The City shall not be liable for any damage or loss of an Election Sign that was displayed in accordance with this by-law or that was removed by the City.

13. Enforcement

13.1 This by-law may be enforced by an Officer.

14. Offence and penalty

14.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O., 1990, c. P. 33, as amended.

14.2 Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the *Municipal Act, 2001*, any and all contraventions of this By-law are designated as continuing offences for each day they continue.

14.3 Every person who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum of five thousand dollars (\$5,000.00) and then to a maximum fine of ten thousand dollars (\$10,000.00) for each subsequent conviction under the By-law to a maximum prescribed in the *Municipal Act, 2001*.

14.4 In addition to the fine amounts set out in section 14.3, for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines, shall not exceed five thousand dollars (\$5,000.00) for the first offence, where the convictions are registered to a person, that is not a corporation.

14.5 Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).

15. This by-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 27th day of June, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Krista Power

City Clerk