

<p><b>1. ELECTION SIGNS BY-LAWS REVIEW EXAMEN DES RÈGLEMENTS MUNICIPAUX SUR LES ENSEIGNES</b></p>
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**COMMITTEE RECOMMENDATIONS**

1. That City Council approve amendments to:
  - a. The *Signs on City Roads By-law* (By-law No. 2003-520) as attached in Document 1; and
  - b. The *Temporary Signs on Private Property By-law* (By-law No. 2004-239), as attached in Document 2.
2. That City Council delegate authority to the City Clerk to place the amending by-laws for enactment on a future agenda of Council, as further described in this report.

**RECOMMANDATIONS DU COMITÉ**

1. Que le Conseil municipal approuve les modifications à apporter au :
  - a. Règlement régissant l'installation d'enseignes et de panneaux publicitaires le long des routes de la ville (Règlement n° 2003-520), joint à titre de document 1;
  - b. Règlement sur les enseignes temporaires sur les propriétés privées (Règlement n° 2004-239), joint à titre de document 2.
2. Que le Conseil municipal délègue au greffier municipal le pouvoir d'inscrire les règlements modificatifs à un futur ordre du jour du Conseil aux fins d'adoption.

DOCUMENTATION/DOCUMENTATION

1. City Clerk's report, Office of the City Clerk, dated September 23, 2021  
(ACS2021-OCC-GEN-0025)

Rapport du Greffier municipal, Bureau du greffier municipal daté le 23  
septembre 2021, (ACS2021-OCC-GEN-0025)

**SUBJECT: Election Signs By-laws Review**

**File Number: ACS2021-OCC-GEN-0025**

**Report to Finance and Economic Development Committee on 5 October 2021  
and Council 13 October 2021**

**Submitted on September 23, 2021 by M. Rick O'Connor, City Clerk**

**Contact Person: Michèle Rochette, Manager, Municipal Elections & French  
Language Services**

**613-580-2424, extension 21453, michele.rochette@ottawa.ca**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE**

**OBJET : Examen des règlements municipaux sur les enseignes**

**Dossier : ACS2021-OCC-GEN-0025**

**Rapport au Comité des finances et du développement économique  
le 5 octobre 2021**

**et au Conseil le 13 octobre 2021**

**Soumis le 23 septembre 2021 par M. Rick O'Connor, Greffier municipal**

**Personne ressource : Michèle Rochette, Gestionnaire, Élections municipales et  
Services en français**

**613-580-2424, poste 21453, michele.rochette@ottawa.ca**

**Quartier : CITY WIDE / À L'ÉCHELLE DE LA VILLE**

## **REPORT RECOMMENDATIONS**

- 1. That the Finance and Economic Development Committee recommend that  
City Council approve amendments to:**
  - a. The *Signs on City Roads By-law* (By-law No. 2003-520) as attached in  
Document 1; and**



On [June 26, 2019](#), City Council approved Motion No. 16/15, which in part directed staff “to review the by-laws governing election signs to consider the potential for broader and longer-term amendments and that staff be directed to report back to City Council as part of the Mid-Term Governance Review or at the earliest policy review opportunity”.

Additionally, on [January 29, 2020](#), City Council approved Motion No. 26/16, which directed staff “to amend By-law 2003-520 [*Signs on City Roads*] for the purposes of the 2020 provincial by-elections in Ottawa-Vanier and Orléans such that signs be permitted on public properties once the Chief Electoral Officer of Ontario issues the relevant Writ.” That motion also provided that, “this amendment to By-law 2003-520 respecting election signage on public property upon issuance of the relevant Writ remain in effect for any future provincial or federal by-elections or until such time that City Council has an opportunity to receive and consider staff’s forthcoming review of the by-laws governing election signs as part of the Mid-Term Governance Review or at the earliest policy review opportunity.”

As directed in the [2018-2022 Mid-term Governance Review Report](#), staff undertook a review of the City’s signs by-laws. As described in more detail in the Discussion section of this report, in conducting this review staff has:

1. Completed a comparator review, attached as Document 3, of regulations for election signs in other municipalities;
2. Sought an external legal opinion to determine what authority the City has to place restrictions on municipal, provincial and federal election signs, and whether such restrictions would be permissible under the [Canadian Charter of Rights and Freedoms](#) (the *Constitution Act, 1982*);
3. Completed a consultation process with both Members of Council and the public;
4. Completed an internal stakeholder engagement process with By-law and Regulatory Services (“BLRS”), Roads and Parking Services, and Planning Infrastructure and Economic Development (“PIED”); and
5. Reviewed the number of service requests and enforcement data available from previous federal, provincial, and municipal elections and by-elections that have taken place since the 2018 Municipal Elections.

As described in more detail in the Discussion section of this report, staff is recommending that amendments to the City's signs by-laws be made in order to provide residents, candidates, and third party advertisers with information that is clear and easy to understand, and to create consistency in the by-laws to improve compliance as well as staff's ability to enforce the by-laws. These recommended amendments include:

1. Using the same definition for "election sign" in both by-laws;
2. Formalizing that, in accordance with legislation, the external legal opinion and Council motions, election signs are permitted at the drop of the Writ for federal and provincial elections;
3. Aligning the timeframes that permit election signs to be placed on private and public property in municipal elections to 45 days prior to Voting Day in a municipal election;
4. Extending the timeframe to remove signs to 72 hours after Voting Day in any election; and
5. Removing the requirements of Section 6.(2) of the *Temporary Signs on Private Property By-law* for election signs and aligning the placement requirements for election signs in both by-laws.

These amendments are outlined in detail in the Discussion section of this report and in Documents 1 and 2; recommended deletions are struck out and additions are bolded and underlined in each supporting document.

Staff is further recommending that, for the purposes of consistency and clarity, City Council delegate authority to the City Clerk to place the amending by-laws for enactment on a future agenda of Council. At the writing of this report, staff is monitoring a potential Council vacancy in Ward 4 (Kanata North). In order to remain consistent with previous by-elections during the 2018-2022 Term of Council, staff is recommending that regulations for election signs remain as *status quo* should a by-election occur in Ward 4 (Kanata North). The City Clerk will monitor these schedules and place the amending by-laws on an upcoming Council agenda for enactment and will notify Members of Council accordingly.

## RÉSUMÉ

La Ville d'Ottawa a deux règlements sur les enseignes qui régissent les affiches électorales sur les propriétés privées et publiques pour les élections municipales, provinciales et fédérales :

1. Le [Règlement régissant l'installation d'enseignes et de panneaux publicitaires le long des routes de la ville](#) (Règlement n° 2003-520)
2. Le [Règlement sur les enseignes temporaires sur les propriétés privées](#) (Règlement n° 2004-239)

Le dernier examen des règlements de la Ville sur les enseignes a eu lieu le [22 novembre 2017](#), cependant, cet examen se limitait au cadre législatif qui a permis l'ajout de publicité de tiers dans les élections municipales dans le cadre du projet de loi 181, Loi de 2016 sur la modernisation des élections municipales.

Le [26 juin 2019](#), le Conseil municipal a approuvé la motion n° 16/15, qui, entre autres choses, demandait au personnel de « revoir le règlement municipal régissant les affiches électorales pour étudier la possibilité d'y apporter des changements plus généraux à long terme et de faire part de ses conclusions au Conseil dans le cadre de l'Examen de mi-mandat de la structure de gestion publique ou au prochain examen des politiques ».

De plus, le [29 janvier 2020](#), le Conseil municipal a approuvé la motion n° 26/16 qui demandait au personnel « de modifier le Règlement n° 2003-520 [enseignes sur les routes de la ville] en vue des élections partielles provinciales de 2020 dans Ottawa-Vanier et Orléans, afin que les affiches soient permises sur les propriétés publiques dès la délivrance du décret de convocation par le directeur général des élections de l'Ontario ». La motion prévoyait également que « cette modification du Règlement n° 2003-520 concernant les affiches électorales sur les propriétés publiques dès la délivrance du décret de convocation demeure en vigueur pour toutes les élections provinciales et élections partielles fédérales à venir, ou jusqu'à ce que le Conseil puisse recevoir et examiner les conclusions de l'examen que doit réaliser le personnel sur les règlements régissant les affiches électorales dans le cadre de l'Examen de mi-mandat de la structure de gestion publique ou du prochain examen des politiques ».

Comme prescrit dans le [Rapport d'examen de mi-mandat de la structure de gestion publique 2018-2022](#), le personnel a entrepris un examen des règlements de la Ville sur les enseignes. Comme décrit plus en détail dans la section Analyse du présent rapport, lorsqu'il a effectué cet examen, le personnel a :

1. effectué un examen comparatif, ci-joint en tant que document 3, des règlements sur les affiches électorales dans d'autres municipalités;
2. demandé un avis juridique externe afin de déterminer l'autorité que possède la Ville d'imposer des restrictions sur les affiches électorales municipales, provinciales et fédérales, et si de telles restrictions seraient permises en vertu de la Charte canadienne des droits et libertés (la Loi constitutionnelle de 1982);
3. effectué un processus de consultation auprès des membres du Conseil et du public;
4. effectué un processus interne de consultation des intervenants auprès des Services des règlements municipaux, des Services des routes et du stationnement et de la Direction générale de la planification, de l'infrastructure et du développement économique (« DGPIDE »);
5. effectué une analyse des demandes de service et des données sur l'application des règlements pour les élections fédérales et provinciales ainsi que les élections et élections partielles municipales précédentes, ayant eu lieu depuis les élections municipales de 2018.

Comme décrit plus en détail dans la section Analyse du présent rapport, le personnel recommande que des modifications soient apportées aux règlements de la Ville sur les enseignes afin de fournir aux résidents, aux candidats et aux tiers annonceurs des renseignements clairs et faciles à comprendre, de créer une cohérence dans les règlements municipaux et d'améliorer la conformité ainsi que la capacité du personnel à faire appliquer les règlements municipaux. Ces modifications recommandées comprennent :

1. Utiliser la même définition d'« affiche électorale » dans les deux règlements municipaux



2. Officialiser, conformément à la loi, à l'avis juridique externe et aux motions du Conseil, l'autorisation de l'installation d'affiches électorales à la date de délivrance du décret de convocation pour les élections fédérales et provinciales
3. Harmoniser les délais pendant lesquels il est permis d'installer des affiches électorales sur des propriétés privées et publiques lors d'élections municipales à 45 jours avant le jour du scrutin dans une élection municipale
4. Prolonger le délai de retrait des affiches à 72 heures après le jour du scrutin pour toute élection
5. Supprimer les exigences de l'article 6(2) du Règlement sur les enseignes temporaires sur les propriétés privées pour les affiches électorales et harmoniser les exigences d'installation des affiches électorales dans les deux règlements municipaux

Ces modifications sont décrites en détail dans la section Analyse du présent rapport et dans les documents 1 et 2. Les suppressions recommandées sont biffées, et les ajouts sont en gras et soulignés dans chaque document à l'appui.

De plus, le personnel recommande qu'aux fins d'uniformité et de clarté, le Conseil municipal délègue au greffier municipal le pouvoir d'inscrire les règlements modificatifs à un futur ordre du jour du Conseil aux fins d'adoption. Au moment de rédiger le présent rapport, le personnel surveillait la possibilité qu'une charge devienne vacante au Conseil pour le quartier 4 (Kanata-Nord). Afin d'assurer l'uniformité avec les autres élections partielles pendant le mandat du Conseil de 2018-2022, le personnel recommande de maintenir le statu quo concernant les règlements municipaux visant les affiches électorales si des élections partielles étaient déclenchées dans le quartier 4 (Kanata-Nord). Le greffier municipal surveillera ces calendriers et inscrira les règlements modificatifs à un futur ordre du jour du Conseil aux fins d'adoption et en avisera les membres du Conseil en conséquence.

## BACKGROUND

The City of Ottawa has two signs by-laws that regulate election signs on private and public property for municipal, provincial, and federal elections:

1. The [Signs on City Roads By-law](#) (No. 2003-520); and

2. The [Temporary Signs on Private Property By-law](#) (No. 2004-239).

The last review of the City's signs by-laws occurred on [November 22, 2017](#), however, this review was limited to addressing the legislative framework that introduced third party advertisers in municipal elections as part of [Bill 181, The Municipal Elections Modernization Act, 2016](#).

On [June 26, 2019](#), City Council approved Motion No. 16/15, which in part directed staff "to review the by-laws governing election signs to consider the potential for broader and longer-term amendments and that staff be directed to report back to City Council as part of the Mid-Term Governance Review or at the earliest policy review opportunity".

Additionally, on [January 29, 2020](#), City Council approved Motion No. 26/16, which directed staff "to amend By-law 2003-520 [*Signs on City Roads*]" for the purposes of the 2020 provincial by-elections in Ottawa-Vanier and Orléans such that signs be permitted on public properties once the Chief Electoral Officer of Ontario issues the relevant Writ." That motion also provided that, "this amendment to By-law 2003-520 respecting election signage on public property upon issuance of the relevant Writ remain in effect for any future provincial or federal by-elections or until such time that City Council has an opportunity to receive and consider staff's forthcoming review the by-laws governing election signs as part of the Mid-Term Governance Review or at the earliest policy review opportunity."

As directed in the [2018-2022 Mid-term Governance Review Report](#), staff undertook a review of the City's signs by-laws and is recommending amendments as described in the Discussion section of this report.

### **Current regulations for election signs in the City of Ottawa**

The City's signs by-laws define "election sign" as a temporary sign, including a poster sign or rigid ground mounted sign, advertising support or opposition for a candidate, a political party, or a "yes" or "no" answer to a question on the ballot in a municipal, school board, provincial or federal election. Staff note that there are minor inconsistencies in the language used to define "election signs" in both by-laws, and staff is addressing this as part of the recommended amendments, as further described in this report.

In accordance with these by-laws, elections signs for federal and provincial elections are permitted to be placed on both private and public property at the drop of the Writ.

For municipal elections, election signs are permitted on private property 60 days before Voting Day; and elections signs on public property are permitted 30 days before Voting Day. All election signs must be removed within 48 hours after Voting Day in any election.

Election signs on public property cannot be placed along highways or in medians and must be at least 50 centimetres from a sidewalk. In areas with no sidewalks, signs must be at least two metres from the roadway or, if the roadway has a shoulder, at least 50 centimetres from the edge of the shoulder.

Election signs on private property must be:

- at least nine metres from the edge of the nearest traffic control device and may not pose a line of sight issue by impeding a pedestrian's or driver's view of the traffic control device;
- at least nine metres from the closest edge of the nearest paved portion of an intersection and may not pose a line of sight issue by impeding a pedestrian's or driver's view of the intersection;
- at least one metre from the closest edge of the nearest sidewalk;
- at least three metres from a driveway; and
- at least 23 metres from the closest edge of another temporary sign.

Dimension requirements contained in the City's signs by-laws do not apply to election signs placed on public or private property. Election signs do not require a permit, but must comply with general restrictions so that no election sign:

- Creates a traffic hazard by impeding a pedestrian or driver's view of a traffic sign, an intersection or railway grade crossing;
- Creates a physical obstruction or safety hazard for either a pedestrian or operator of a vehicle;
- Interferes with pedestrian or vehicular traffic;
- Impedes parking or access, or obstructs a legally required parking space;

- Obstructs a window, door or fire escape;
- Contacts or interferes with any electrical light, power cable or telephone system;
- Is affixed to a tree, lamp post, signpost, or stationary vehicle; or
- Poses a line of sight issue.

In accordance with the by-laws, the following provisions apply to the removal of election signs that contravene the regulations:

- No person shall remove a sign that has been lawfully placed other than persons authorized to do so under the City's signs by-laws (i.e., By-law Enforcement Officers).
- Signs that are removed for contravening the regulations set out in the by-laws are stored by the City for at least 30 days, during which time the owner or agent may retrieve the sign upon payment to the City of \$50 for each sign with a sign face of less than 100 square centimetres, \$100 for each sign with a sign face of 100 square centimetres or greater but less than 200 square centimetres, and \$150 for a sign with a sign face of 200 square centimetres or greater,
- Where the cost of the sign removal is greater than \$150, the release fee shall be the cost of the removal plus a 15 per cent administrative fee.
- Where a sign has been stored for a period of at least 30 days, or in the case of poster signs not stored, the sign or poster sign may be destroyed forthwith or otherwise disposed of by the City without any notice or compensation to the owner.

## **DISCUSSION**

As directed in the [2018-2022 Mid-term Governance Review Report](#), staff undertook a review of the City's signs by-laws. In conducting this review, staff completed a comparator review of regulations for election signs in other municipalities; a consultation process with both Members of Council and the public; an internal stakeholder engagement process with By-law and Regulatory Services ("BLRS"), Roads and Parking Services, and Planning Infrastructure and Economic Development ("PIED");

and an analysis of service requests and enforcement data from previous elections and by-elections, as further described in this report.

### **Comparator review**

Staff contacted City Clerks in Ontario's largest municipalities and determined that regulations for election signs are not consistent, as outlined in Document 3. Results of the review indicate that several municipalities have restricted election signs on public property to one degree or another, and examples of these restrictions include:

- Banning election signs on all public property, including rights-of-way;
- Banning election signs on public property, but permitting election signs on rights-of-way; and
- Banning election signs on specific areas of public property, such as City facilities or those owned by local boards, in City parks or heritage districts.

While there are limited restrictions for election signs on private property, some by-laws included restrictions on the size, placement, and number of election signs permitted on private property.

Regulations for dimension requirements for election signs were also not consistent, with the majority of the size restrictions requiring a sign face of two square metres or less.

The timeframes for the placement of election signs were consistent with the drop of the Writ for provincial and federal elections. However, for municipal elections the timeframes varied with the most common timeframes being between 30 to 45 days.

As previously noted, the City of Ottawa does not have dimension requirements for election signs and based on the comparator review, the City is the only municipality that has separate timelines for election signs on private and public property.

### **External legal opinion**

Due to the varying restrictions seen across the province and to inform staff's next steps, staff sought an external legal opinion to determine what authority the City has to place restrictions on municipal, provincial and federal election signs, and whether such restrictions would be permissible under the [Canadian Charter of Rights and Freedoms](#) (the *Constitution Act, 1982*). More specifically, staff sought the legal opinion to determine the following:

1. Does the City have authority to pass by-laws regulating federal election signs?
2. Does the City have the authority to ban election signs on public property, private property, and/or vehicles?
3. Can the City restrict the timeframes for which election signs may be posted?
4. Can the City restrict the size and placement of election signs?
5. Would any of the above-noted restrictions infringe on Sections 1 or 2 of the *Canadian Charter of Rights and Freedoms*?

The external legal opinion, which is on file with the Office of the City Clerk, concluded as follows:

1. The City has the statutory authority under Subsection 10(2)10 of the *Municipal Act, 2001* to regulate signs but that power is subject to constitutional limits. These limits would include freedom on expression and the right to vote under the *Charter*. Further, given the legal doctrine of “federal paramountcy,” which renders a provincial statute (or a municipal by-law enacted thereunder) inoperable to the extent that it conflicts with a federal statute should the Parliament of Canada enact legislation on this matter in the future, such would likely take precedence.
2. A by-law prohibiting or significantly restricting election signs on private property would infringe the right to freedom of expression under Section 2(b) of the *Charter* whether the restriction relates to the content of the sign, the location of it or the type and number of the signs permitted within the City.
3. A by-law prohibiting election signs on all City or public property would be vulnerable to challenge as a restriction on the right to freedom of expression under Section 2(b) of the *Charter*.
4. Any by-law prohibiting or restricting election signs would constitute a limit on freedom of expression and need to be considered under Section 1 of the *Charter* to determine whether the limit is reasonable and demonstrably justified. The four-fold test that considers whether the by-law:
  - i. has a pressing and substantial objective;
  - ii. is rationally connected to its objective;

- iii. minimally impairs the right to freedom of expression; and
  - iv. has a severely disproportionate impact on those affected by it.
5. A by-law imposing a limited prohibition on the placement of election signs on City property that meaningfully preserves the ability of a person to place them in designated areas would likely withstand a *Charter* challenge on the basis of minimal impairment.
  6. A by-law prohibiting election signs on City property except at or on designated public advertising spaces and for a fee might be susceptible to a successful challenge given its disproportionate impact on low-income persons if no exceptions are applicable.

Based on the above-noted conclusions, and in consultation with Legal Services, staff reviewed the by-laws and determined that the current regulations are consistent with the legal advice provided. As such, staff's questions to Members of Council and the public were drafted in a manner that met the objectives of the review as well as the legal implications of same.

### **Consultation Process**

Based on the above-noted legal opinion, the Office of the City Clerk sought feedback and comments regarding current election sign regulations through a consultation process with Members of Council and the public as further described below.

#### *Feedback from Members of Council*

Throughout the months of June and July 2021, the City Clerk, Associate General Manager, and Manager of Municipal Elections and French Language Services met with Members of Council to gather their feedback on the City's current regulations for election signs, potential amendments, as well as any other matters they wished staff to consider while undertaking this review.

A summary of the feedback from Members of Council included that:

- Visibility and safety issues were consistently ranked as a primary concern for election signs placed on public or private property.

- Visual blight and blocked sightlines were also listed as concerns for election signs placed on public property, specifically when there are a significant number of election signs placed at high-traffic intersections, or on rights-of-way.
- There was general support that election signs are an important way for candidates to advertise their campaigns and for residents to express their support for a candidate. However, some Members questioned whether signs should be permitted on public property.
- Although there was no consensus, some Members suggested that the permitted timeframes for election signs in municipal elections be reduced and/or aligned. In addition, some Members suggested that the 48-hour timeframe to remove signs was too short and should be extended to assist campaigns in complying with the by-laws.
- Very few Members wished to see any dimension requirements implemented for election signs. Some Members noted that different size requirements would need to be considered for election signs placed in rural areas versus urban or suburban areas, as smaller signs would be difficult to see when driving on rural roads for example.
- Enforcement issues were also noted as a concern, particularly with staff's ability to enforce regulations related to the permitted timeframes for election signs and staff's ability to proactively remove illegal election signs.
- The environmental impacts of election signs were also raised as a concern as there are very few options to recycle election signs in Ottawa.
- There was also consensus that the by-laws can be difficult to understand and that further restrictions may result in more non-compliance, and increased service requests for By-law Enforcement Officers to address.

*Feedback from Members of the Public*

Consultation with members of the public took place via an online survey on the Engage Ottawa platform. The survey was available from July 15, 2021 until July 30, 2021. During this time, members of the public could also provide feedback by contacting the Elections Office. The survey was advertised through both the City and Elections Office's social media accounts, paid advertising on Twitter and Facebook, a Public Service



Announcement, a social media kit that was emailed to Members of Council to assist them with sharing the information with their constituents, community groups and associations.

The survey sought to better appreciate residents' awareness and understanding of the current regulations for election signs as well as their common concerns and general comments regarding election signs in Ottawa. A total of 186 submissions were received, and a summary of the feedback received from the public is provided below:

- 78 per cent of respondents indicated that they had a clear understanding of the City's current regulations for elections signs. In addition, 49 per cent of respondents said that they did not think the by-laws required more clarity, and 59 per cent indicated that they knew who to contact or where to look in order to find additional information related to the signs by-laws.
- With regard to the permitted timeframes for election signs in municipal elections, 60 per cent of respondents said they wished to see changes to these timeframes. The most common suggestions included that both timeframes be aligned, and that the 60-day period that permits elections signs to be placed on private property was too long and should be reduced.
- 76 per cent of respondents indicated that they would like to see size requirements implemented in Ottawa. In general, these comments related to election signs placed on public property where large signs, or clusters of signs, are said to cause distractions, visibility and sight-line issues.
- The survey asked respondents to rank six topics in order of importance and the results, with No. 1 being most important and No. 6 being the least, are as follows:
  1. Election signs blocking visibility on streets (i.e. line of sight for vehicles, cyclists, and pedestrians);
  2. Too many election signs along main roadways on public property;
  3. Environmental impact of election signs;
  4. Visual clutter of election signs in my neighbourhood;
  5. Timely enforcement of election signs that do not follow the rules; and

6. Length of time signs are posted.
  - The survey also provided respondents the opportunity to include their general comments about elections signs in Ottawa and the most common responses included that:
    1. Election signs on public property should be banned, limited, or only permitted in certain areas. Some respondents suggested permitting only a certain number of signs per candidate or implementing distance requirements between signs to avoid visual blight, clutter and distractions for pedestrians, drivers, and cyclists.
    2. Respondents also indicated that the City should proactively remove illegal election signs in a timelier manner, particularly those that are left behind after the 48-hour timeframe to remove signs.
    3. With regard to the environmental impacts of election signs, respondents indicated that election signs create unnecessary waste, and that the City should restrict the materials that can be used to ensure they are recyclable.
    4. Some respondents noted the importance of election signs to a democracy, as they inform electors of who is running, allow candidates to advertise, and promote freedom of expression, while also acknowledging the environmental and safety issues they might cause.

A summary of the Engage Ottawa survey responses is attached as Document 4.

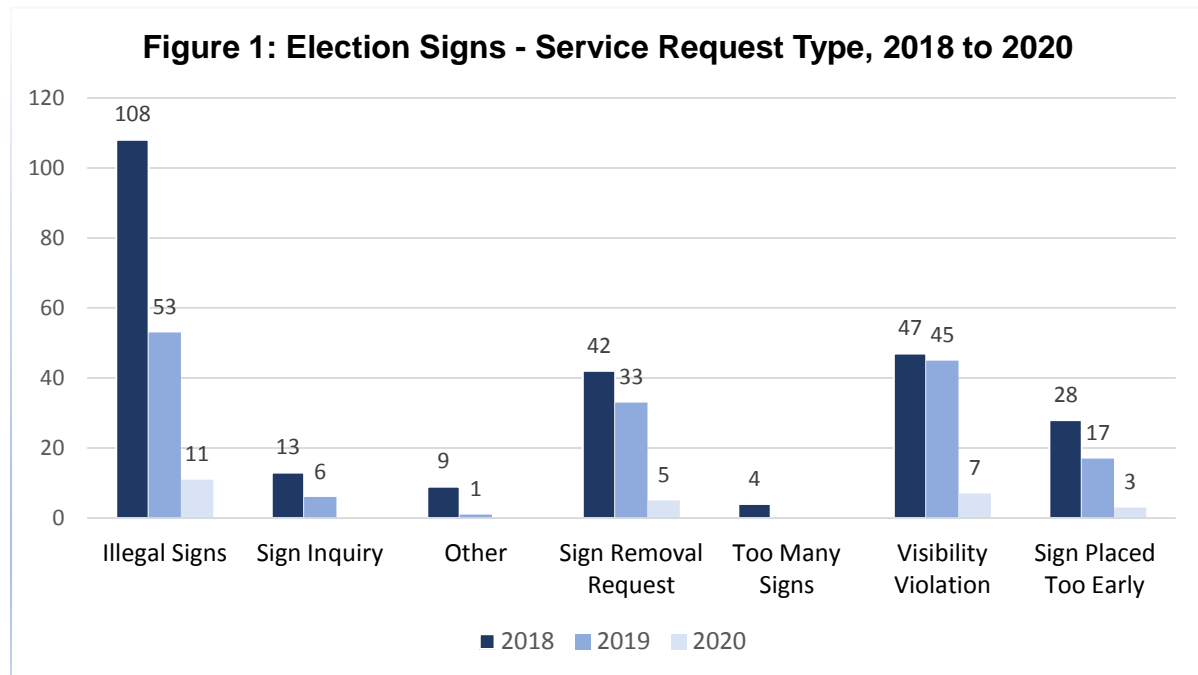
### **Service requests and enforcement data from previous elections**

BLRS compiled service request and enforcement data regarding election signs to determine the number and types of Service Requests that were received for elections and by-elections that occurred in 2018, 2019, and 2020 in Ottawa. Over this three year period, there was a total of 7 elections or by-elections, as follows:

- 2018: Ontario General Election, Ottawa Municipal Elections;
- 2019: Federal Election, Municipal By-election (Ward 13 - Rideau-Rockcliffe); and

- 2020: Provincial By-election (Orléans), Provincial By-election (Ottawa-Vanier), Municipal By-election (Ward 19-Cumberland).

Figure 1 and Table 1 provide a high-level breakdown of the election sign Service Requests received by BLRS between 2018 and 2020:



<b>Table 1 – Data Table for Figure 1</b>				
<b>Service Request Type</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Grand Totals</b>
Illegal Signs	108	53	11	172
Sign Inquiry	13	6	Nil	19
Other	9	1	Nil	10
Sign Removal Request	42	33	5	80
Too Many Signs	4	Nil	Nil	4
Visibility Violation	47	45	7	99
Sign Placed Too Early	28	17	3	48
<b>Total per election year</b>	<b>251</b>	<b>155</b>	<b>26</b>	<b>432</b>

Analysis of *Table 1* reveals that 81 per cent of election sign Service Requests placed between 2018 and 2020 fall into one of three categories: illegal signs, sign removal requests, and visibility violations. Examples of illegal signs include signs that are not removed within the specified time frame, a sign placed in an intersection, or a sign causing a safety hazard. The illegal sign Service Request type serves as a catch all category in the current requests for service management program.

Additionally, the majority of Service Requests received during this period relate to signs on public property, as opposed to signs on private property, as illustrated in *Figure 2*:

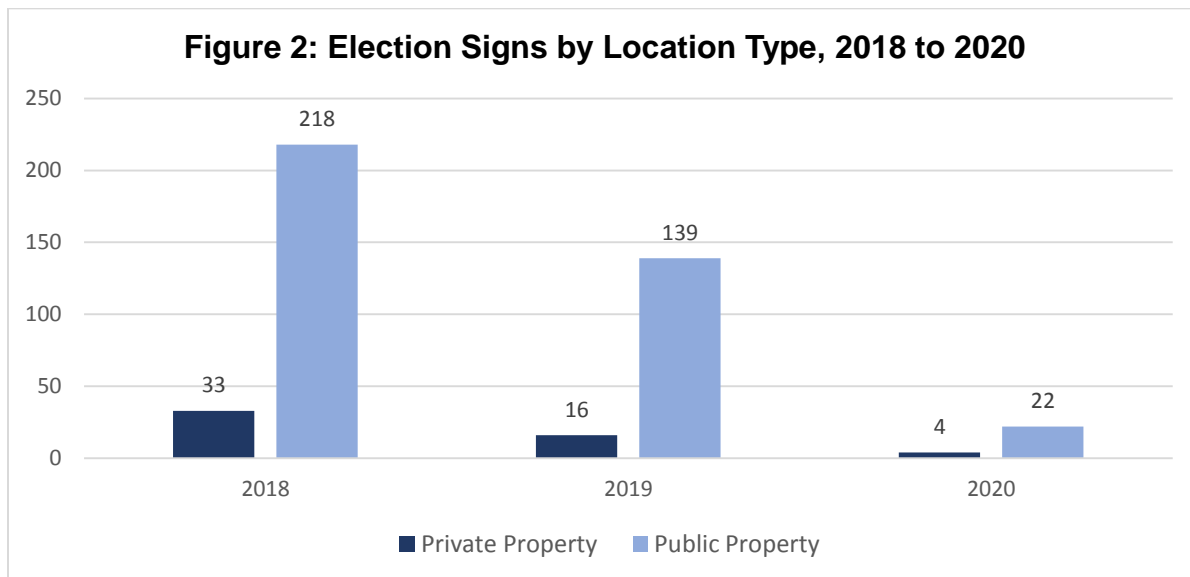
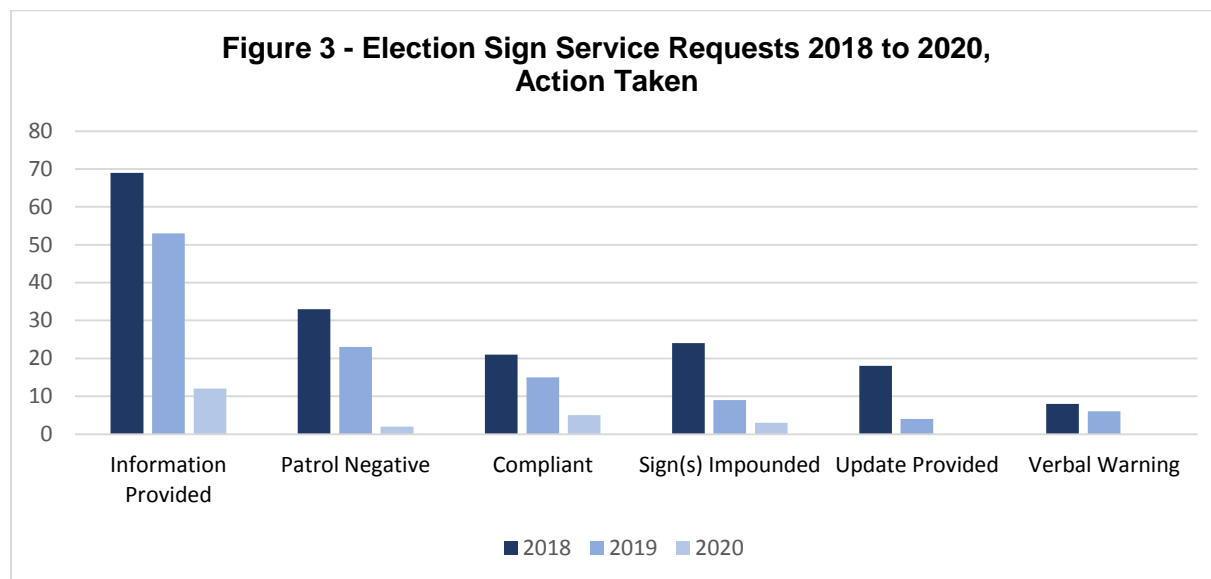


Table 2 – Data Table for Figure 2				
Location Type	2018	2019	2020	Grand Totals
Private	33	16	4	53
Public	218	139	22	379
<b>Total per election year</b>	<b>251</b>	<b>155</b>	<b>26</b>	<b>432</b>

Finally, *Figure 3* demonstrates that majority of the Service Requests relating to election signs resulted in the investigating Officer providing information or a verbal warning to the defendant:



<b>Table 3 - Data Table for Figure 3</b>				
<b>Action Taken by Officer</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Grand Totals</b>
Information Provided	69	53	12	134
Patrol Negative	33	23	2	58
Compliant	21	15	5	41
Sign(s) Impounded	24	9	3	36
Update Provided	18	4	Nil	22
Verbal Warning	8	6	Nil	14
<b>Total per election year</b>	<b>173</b>	<b>110</b>	<b>22</b>	<b>305</b>

As the data above reflects, the majority of Service Requests regarding election signs are located on public property and relate to election signs that impede line-of-sight, that are too close to intersection, and that are located in the center median. Additionally, the data indicates that Service Requests are typically resolved once information has been provided to the candidate or third party advertiser.

## Feedback from internal stakeholders

### Office of the City Clerk

The review of election sign regulations identified opportunities for greater education for both candidates and the public, as well as stronger communications efforts. Staff will continue to update the City's Elections website ([ottawa.ca/vote](http://ottawa.ca/vote)) to provide clearer plain language information to candidates, third party advertisers, and the public, and staff will continue to work with internal stakeholders to ensure clear messaging is also shared through the City's corporate channels. Staff will also ensure that information regarding the City's [Transit By-law \(No. 2007-268\)](#) is shared to educate residents, candidates and third party advertisers about regulations for election signs on transit property. OC Transpo is a federally-regulated operation due to its interprovincial routes.

In addition, the Office of the City Clerk will continue to improve how information about election sign regulations is shared during future municipal elections such as hosting information sessions for candidates and third party advertisers, providing additional information related to the by-laws in candidate and third party advertiser information packages and on [ottawa.ca/vote](http://ottawa.ca/vote).

Through the review, staff also heard concerns about the environmental impacts of elections signs. To address this, staff, in consultation with Public Works and Environmental Services Department, will update public-facing information, such as the Elections website ([ottawa.ca/vote](http://ottawa.ca/vote)) to include recommended signs materials that are recyclable, along with proper disposal methods for all election signs whether recyclable or not. This information will also be included in candidate and third party advertiser information packages in future municipal elections. Staff will also work with Public Information and Media Relations to develop and disseminate educational materials around the reuse, recyclability, and proper disposal of election signs.

### By-law and Regulatory Services

Following the comparator review, along with feedback provided by the public and Members of Council, BLRS does not recommend limiting the number of signs at a particular location, permitting only a certain number of signs per candidate or third party advertiser, nor implementing size requirements or distance requirements between signs. Such amendments would present significant enforcement challenges and By-law

Enforcement Officers would not have sufficient evidence to prove which candidate or third party advertiser was in violation of these regulations.

As a result, BLRS is of the opinion that the current provisions under the *Signs on City Roads By-law* (No. 2003-520) and the *Temporary Signs on Private Property By-law* (No. 2004-239) adequately address the majority of concerns raised as part of the consultation process. However, as a result of the review and the comments received during the consultation process, amendments to both by-laws are recommended in order to improve clarity and consistency surrounding election sign regulations.

Additionally, in order to assist campaigns in complying with the by-laws, BLRS recommends that the timeframe for election sign removal be extended considering the large geographical areas of some of the electoral boundaries, as further described in this report. BLRS staff is of the opinion that these proposed amendments would reduce public inquires, allow for seamless enforcement, and would help improve compliance.

During past elections, BLRS proactively monitored election sign violations and took necessary enforcement action. However, in light of feedback from members of the public and Members of Council, BLRS will implement an enhanced enforcement and communications strategy moving forward. This enforcement strategy will include:

- Ensuring that fines are issued for repeat offenders and that court summonses (Part III Offence Notices under the *Provincial Offences Act*) are served for more egregious or repeat offences;
- BLRS will conduct additional proactive patrols and immediately impound signs which present a visibility or safety hazard; and
- Social media campaigns prior to elections in order to increase public awareness of election sign regulations.

Should City Council approve this report, it is anticipated that the recommended by-law amendments will enhance BLRS' capacity to proactively enforce election sign regulations.

Planning Infrastructure and Economic Development



Staff support the alignment of timeframes and distance requirements for signage placement on private and public property. PIED staff did not identify any other issues to the current regulations for elections signs.

### Roads and Parking Services

Staff did not identify any issues with regard to the current regulations for election signs, and there has been little to no impact with regards to staff's ability to deliver services such as road and sidewalk maintenance, or snow removal.

#### **Recommended amendments to the City's signs by-laws**

Staff is recommending that amendments to the City's signs by-laws be made in order to provide residents, candidates, and third party advertisers with information that is clear and easy to understand, to create consistency in the by-laws to improve compliance as well as staff's ability to enforce the by-laws. These amendments are described below and are outlined in detail in Documents 1 and 2; recommended deletions are struck out and additions are bolded and underlined in each supporting document.

##### **1. Use the same definition for "election sign" in both by-laws.**

Currently, the definition of "election sign" differs slightly between the City's signs by-laws. As such, staff is recommending that for consistency and clarity, the definition of election sign in both by-laws read as follows:

"election sign" means a temporary sign, including a poster sign or rigid ground mounted sign, advertising support or opposition for a candidate, a political party, or a "yes" or "no" answer to a question on the ballot in a municipal, school board, provincial or federal election".

##### **2. Formalize that, in accordance with legislation, the external legal opinion and Council motions, election signs are permitted at the drop of the Writ for federal and provincial elections.**

Under the [Canada Elections Act, 2000](#) and Ontario's [Election Signs Act, 2000](#), election signs are permitted to be displayed at the drop of the Writ for federal or provincial elections.

On [June 26, 2019](#), City Council approved Motion No. 16/15, which in part directed staff to “amend By-law 2003-520 for the purposes of the 2019 general federal election such that signs be permitted on public properties once the Chief Electoral Officer of Canada issues the Writs, which will be between a minimum of 36 days to a maximum of 50 days before federal Voting Day”.

Additionally, on [January 29, 2020](#), City Council approved Motion No. 26/16, which directed staff “to amend By-law 2003-520 [“Signs on City Roads”] for the purposes of the 2020 provincial by-elections in Ottawa-Vanier and Orléans such that signs be permitted on public properties once the Chief Electoral Officer of Ontario issues the relevant Writ.” The motion also provided that “this amendment to By-law 2003-520 respecting election signage on public property upon issuance of the relevant Writ remain in effect for any future provincial or federal by-elections or until such time that City Council has an opportunity to receive and consider staff’s forthcoming review the by-laws governing election signs as part of the Mid-Term Governance Review or at the earliest policy review opportunity.”

To formalize the above-noted changes in the City’s signs by-laws, and to align with legislation and the external legal opinion, staff is recommending that the by-laws be amended to provide that election signs are permitted on both public and private property at the drop of the Writ for federal and provincial elections.

**3. Align the timeframes that permit election signs to be placed on private and public property in municipal elections to 45 days prior to Voting Day in a municipal election.**

Currently, the City’s signs by-laws allow election signs for municipal elections to be placed on private property 60 days before Voting Day, and on public property 30 days before Voting Day.

As noted above, based on the comparator review, the City is the only municipality that has separate timelines for election signs on private and public property during municipal elections.

Based on the comments received during the consultation process, staff is recommending that the timeframe for the placement of election signs for municipal elections be aligned to a single date, being 45 days before Voting Day for both private and public property.

This recommendation is in line with timeframes in other municipalities in Ontario, will help facilitate staff's enforcement of election sign regulations, and will provide clarity to residents, candidates and third party advertisers.

**4. Extend the timeframe to remove signs to 72 hours after Voting Day in any election.**

The City's current signs by-laws require that election signs must be removed within 48 hours of Voting Day in any election.

Throughout the consultation process, staff received several comments indicating that the timeframe for removing signs is too short and should be extended in order to assist campaigns with complying the by-laws.

In addition, staff note that based on the comparator review, the average timeframe for the removal for election signs in other municipalities in Ontario is between 72 to 96 hours after Voting Day.

Given the large geographic areas of some of the ward boundaries in Ottawa, BLRS has indicated that this amendment may result in less compliance issues and Service Requests as candidates and third party advertisers will have more time to remove their election signs from private and public property.

As such, staff is recommending that the timeframe for the removal of election signs be extended from 48 hours to 72 hours after any Voting Day in an election in order to assist campaigns in complying with the by-laws.

**5. Remove the requirements of Section 6.(2) of the *Temporary Signs on Private Property By-law* for election signs and align the placement requirements for election signs in both by-laws.**

In accordance with Section 6.(2) of the City's current *Temporary Signs on Private Property By-law*, election signs are required to be:

- at least nine metres from the edge of the nearest traffic control device and may not pose a line of sight issue by impeding a pedestrian's or driver's view of the traffic control device;

- at least nine metres from the closest edge of the nearest paved portion of an intersection and may not pose a line of sight issue by impeding a pedestrian's or driver's view of the intersection;
- at least one metre from the closest edge of the nearest sidewalk;
- at least three metres from a driveway; and
- at least 23 metres from the closest edge of another temporary sign.

In order to provide consistency and clarity to residents, candidates and third party advertisers as well as to assist staff in enforcing the by-laws, staff is recommending that the above-noted regulations no longer apply to election signs placed on private property. Staff is recommending that the placement of election signs on private property be aligned with the regulations for public property as follows:

No person shall place an election sign on private property that,

- (a) is within three metres of an intersection; and
- (b) is within 50 centimetres of a sidewalk, or where there is no sidewalk, within two metres of the roadway or within 50 centimetres of the edge of a shoulder where such exists.

It is further recommended for the purposes of consistency and clarity that City Council delegate authority to the City Clerk to place the amending by-laws for enactment on a future agenda of Council. At the writing of this report, staff is monitoring a potential Council vacancy in Ward 4 (Kanata North). In order to remain consistent with previous by-elections during the 2018-2022 Term of Council, staff is recommending that regulations for election signs remain as status quo should a by-election occur in Ward 4 (Kanata North). The City Clerk will monitor these schedules and place the amending by-laws on an upcoming Council agenda for enactment and will notify Members of Council accordingly.

## **FINANCIAL IMPLICATIONS**

There are no financial implications to approving the recommendations of this report.

## LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

## COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report.

## CONSULTATION

The consultation process is described in the Discussion section of this report.

## ACCESSIBILITY IMPACTS

The Engage Ottawa survey, which was used to consult members of the public as described in this report, included the following statement: “If you are unable to complete this survey online, or require accommodation under the [Accessibility for Ontarians with Disabilities Act, 2005](#), please contact the Elections Office by telephone at 613-580-2660 or by email at [elections@ottawa.ca](mailto:elections@ottawa.ca).”

Under both the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Municipal Elections Act, 1996* (MEA), the City Clerk is required to ensure that municipal elections are accessible to people with disabilities, including electors, candidates and third party advertisers. In accordance with the requirements of the MEA, the City Clerk publishes accessibility plans and post-election reports to [Ottawa.ca/vote](http://Ottawa.ca/vote). Upon approval of this report, the Office of the City Clerk will issue the communications products noted in the report in accessible formats, and website content will be developed in accordance with [WCAG 2.0 Level AA](#).

The by-laws will continue to include a variety of requirements, which are listed in the Background section, so that signs do not introduce barriers to accessibility. For instance, no sign can interfere with pedestrians’ path of travel, nor can a sign obstruct access to an entrance or parking space. As noted above in the Discussion section, in light of feedback from the public and Members of Council, BLRS will implement an enhanced enforcement and communications strategy with the goal of reducing sign violations, which is expected to reduce barriers for people with disabilities.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

## **RURAL IMPLICATIONS**

The recommended amendments to the City's signs by-laws will apply city-wide.

## **TERM OF COUNCIL PRIORITIES**

There are no impacts related to the Term of Council Priorities.

## **SUPPORTING DOCUMENTATION**

Document 1 – Amendments - *Signs on City Roads By-law*

Document 2 – Amendments - *Temporary Signs on Private Property By-law*

Document 3 – Comparator Review

Document 4 – Summary of Engage Ottawa Survey Results

## **DISPOSITION**

Upon City Council's approval of this report, the City Clerk will finalize the amending by-laws in consultation with Legal Services and will place the amending by-laws for enactment on a future agenda of Council with the amendments to be in effect at that time.