



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Fernando Lamanna
Position: Clerk/Deputy CAO
Title / Subject: Election Sign By-law
Date of Report: March 16, 2022
Date of Meeting: April 19, 2022
Report No: 2022-GG-006

1.0 Issue / Origin

The purpose of this report is to update Council with regard to a new revised Election Sign By-law for the 2022 Municipal Election.

2.0 Background

The creation of a standalone Election Sign By-law is intended to assist with the administration of election sign regulations and will also help Candidates and Registered Third Party (RTP) advertisers with understanding the rules that govern election signs in Brock Township.

The purpose of an Election Sign By-law is to ensure that:

- the principles of the Municipal Elections Act, 1996 are maintained, in particular that *the election should be fair and non-biased; and that voters and candidates should be treated fairly and consistently within a municipality.*
- Election Signs do not interfere with the safety of vehicular and pedestrian traffic.
- Placement of Election Signs is clear and concise to avoid causing unnecessary sign pollution or clutter.
- Anyone's right to political expression is maintained and protected.
- All Candidates and Registered Third Parties are treated fairly and equitably.

3.0 Analysis

Staff are proposing a number of amendments to the Election Sign By-law in advance of the 2022 Municipal Election. In particular, the Region of Durham has repealed their Election Sign By-law, and it is now the responsibility of local municipalities to enforce their own regulations on regional roads. As such, the new by-law will include parameters for placing election signs along Regional roads and intersections.

Ideally, a Durham wide uniform Election Sign By-law would not only be beneficial for all by-law enforcement officers, but it would establish common rules for those candidates (Federal, Provincial, Regional Chair & School Boards) that campaign outside of typical ward and municipal boundaries.

This exercise was attempted in other regional jurisdictions with some success; however, the Regional working group came to the understanding that each municipality is unique with respect to placement, enforcement, and other factors within each respective border.

The Regional working group did find certain commonalities that could be incorporated into each by-law. These common areas included: definitions, start time of posting signs, timing to remove signs, size, limiting the number of signs on private property, registration process, and fee requirements.

The experience and knowledge gained from the previous Regional working group is relevant and useful to the proposed amendments to Brock's Election Sign By-law. Staff will endeavor to work with Durham municipalities for future elections.

An overview of the recommended changes for the proposed Election Sign By-law are highlighted as follows:

New and Enhanced Definitions

In reviewing the existing by-law, several new definitions are recommended to add clear and concise intent to the by-law. Some examples include but are not limited to; "Campaign Office", "Enforcement Officer", "Private Property", and "Person".

General Prohibitions & Locations

Addition and clarity of general prohibitions will provide candidates and third party advertisers where election signs are not permitted or where election signs must meet minimum set backs.

The proposed by-law will also clarify the placement and number of signs permitted on private property, municipal road allowances, regional road allowances, and Provincial road allowances.

Size and Timing

The new proposed by-law is recommending that an election sign have a total maximum area of 1.49 m² (16 ft²) - 1.22 m high x 1.22 m wide (4'x4'). This provides an equal playing field for all candidates and registered third party advertisers.

The timing of when elections signs are put out is subjective. Candidates generally would prefer to have signs out early to maximise exposure. However, a long period of election signs often leads to complaints about unsightly and cluttered roadways. In some cases when signs are out for a lengthy period, they are subject to damage by the environment or vandalism. Staff are proposing to limit the time period to 28 days (4 weeks) prior to Election day. For the 2022 election that date would be Monday, September 26th.

The removal of election signs will remain at 72 hours (3 days) following election day.

Registration Fee & Enforcement

Registration fee or deposit amount for election signs is another subjective topic as some municipalities have moved away from the previous deposit amount and have incorporated a registration fee. In Durham and other regional districts, this registration fee is on average \$250.00. The main reason that municipalities have moved away from the deposit system was that it created additional administrative work in keeping track of the number of candidate signs pulled and then completing the requisition to return the reduced or full deposit amount.

The registration fee can easily be considered a part of doing business, however for those candidates that campaign beyond municipal boundaries such as Federal & Provincial candidates, or Regional Chair candidates, or School Board candidates, the registration fee is payable to each municipality they wish to place election signs. This registration fee for those larger financial campaigns, have the means to pay the fee in each municipality, however, for smaller financial campaigns, the expenditure potentially takes away from a candidate's ability to have a fulsome advertising campaign.

Staff have been made aware that in past elections, there were minimal issues or complaints with election signs in Brock. It is also staff's believe that generally, candidates incur expenses for these signs and put a lot of work into erecting their election signs, and as such take pride in ensuring compliance to any by-law restrictions.

The current by-law has a deposit amount of \$300.00 per candidate or registered third party advertiser. Staff are proposing to eliminate any deposit fee or registration fee and instead impose an enforcement charge of \$20.00 for each sign pulled by an enforcement officer. Signs removed by an enforcement officer will be held at the Public Works Yard for a period of 30 days from election day. Any unpaid enforcement charges related to election signs will be added to the tax roll and collected in the same manner as taxes. Where a candidate or third party advertiser have no property ownership in Brock, the unpaid charges may be subject to collections and/or small claims court.

4.0 Related Policies / Procedures

The election sign by-law is related to the recently adopted Use of Corporate Resources during Election Policy #AP30 in so much as election signs are not permitted in or on any municipally owned or leased building or property with the exception of municipal road allowances.

This by-law is also related to the Ministry of Transportation of Ontario's Highway Corridor Management Manual.

5.0 Financial / Budget Assessment

There is no direct financial impact with this report or proposed by-law.

6.0 Climate Change Impacts

There are no climate change impacts as it relates to proposed by-law.

7.0 Communications

In accordance with the Township's Public Notice Policy # AP6, notice was provided via newspaper and website on March 31, 2022 of the public meeting on which the proposed by-law would be presented to Committee of the Whole.

Additionally, once the election sign by-law is adopted, it will be included in all candidate information packages and published on the Township's election page on the website.

8.0 Conclusion

The adoption of the proposed Election Sign By-law will provide clear regulations with the placement, location and limits of election signs in Brock Township, and once adopted, staff will educate registered candidates and registered third party advertisers.

9.0 Recommendation

BE IT RESOLVED THAT report No. 2022-GG-006, entitled "Election Sign By-law", be received, and;

THAT Council direct the Clerk/Deputy CAO to prepare and present Election Sign By-law No. 3114-2022, attached as Appendix '1' to report No. 2022-GG-006, for consideration and adoption at the Council meeting to be held on April 25, 2022; and

THAT By-law No. 2781-2018-AP be repealed in its entirety, upon adoption of the proposed Election Sign By-law No. 3114-2022.