

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 12, 2019

Item 32, Report No. 20, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 12, 2019.

32. ELECTIONS-RELATED SIGN BY-LAW TECHNICAL AMENDMENTS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, dated June 4, 2019:

Recommendations

1. Approve the recommendations provided in Attachment 1 of this report.
2. Authorize staff to undertake any other actions required to implement the recommendations of this report, including making any consequential amendments to related bylaws, subject to the approval of the City Solicitor.

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD(S): ALL

**TITLE: ELECTIONS-RELATED SIGN BY-LAW TECHNICAL
AMENDMENTS**

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Following the passing of the City's Sign By-law # 140-2018, staff have identified and recommend the implementation of various technical amendments to provide greater clarity with respect to what constitutes an Election Sign and where it can be placed.

Report Highlights

- The report will provide greater clarity and rationale for proposed recommendations regarding Election Sign use and elections-related activities.

Recommendations

1. Approve the recommendations provided in Attachment 1 of this report.
2. Authorize staff to undertake any other actions required to implement the recommendations of this report, including making any consequential amendments to related bylaws, subject to the approval of the City Solicitor.

Background

In 2014, City Council adopted the By-law Strategy, which introduced a strategic framework for review, creation and amendment of the City's By-laws and their related regulatory public policies. Guided by the By-law Strategy, staff have undertaken and continue to carry out, comprehensive reviews of the City's regulatory frameworks to better address emerging issues and protect the public interest by establishing relevant,

effective regulations that continue to support health and safety, quality of life and well-being of our residents.

In line with the Term of Council Service Excellence Strategic Plan 2018-2022 Priority Areas of Good Governance and Operational Performance, staff continue to review regulatory by-laws and proposed necessary amendments. The purpose of these reviews is to provide clarity and consistency with other applicable regulation that furthers the City's commitment to support public trust through inclusive transparency, accountable decision making and efficient operational performance. In line with these principles and the By-law Strategy, this work continues to foster a culture of continuous improvement.

Issues and challenges

Drawing on experiences and input from past elections, staff have identified the following issues and challenges requiring further clarity with respect to the election sign regulations. Staff have received the following inquiries and complaints:

- **Election signage:** Lack of clarity about what constitutes an "Elections Sign" and where it can be placed.
- **Exemptions for elected officials:** Ambiguity with respect to whether the exemption provisions apply to elected officials.
- **Unregistered candidates:** Placement of election signs for which candidates have not completed proper registration with the appropriate levels of government.

Review of regulations at other levels of government

In order to ensure alignment staff reviewed regulations from other levels of government:

- **Federal:** The Canada Elections Act states that "election advertising means the transmission to the public by any means during an election period of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated."
- **Provincial:** The Elections Ontario website advises that elections signage includes any advertisement that can be interpreted as promoting or opposing a political party/candidate, or with respect to an issue of public policy.
- **Regional:** York Region's Regional Road Sign By-law # 2015-36, applicable to signs on Regional Roads in Vaughan, defines an Election Sign as "a sign advertising or promoting a registered candidate in a federal, provincial or municipal election, including an election of a local board or commission."

Based on the above, staff believe the current Sign By-law definition of Elections Signs may not be broad enough.

Additionally, staff have noted that fees related to Signage applications and enforcement are divided between two by-laws, the Sign By-law and the Fees and Charges By-law, 171-2013, as amended; this can create some confusion.

Previous Reports/Authority

[Canada Elections Act](#)

[Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.](#)

[Regional Municipality of York – Signs on Regional Roads By-law # 2015-36](#)

[City of Vaughan Sign By-law # 140-2018](#)

[City of Vaughan Fees and Charges By-law # 171-2013](#)

Analysis and Options

Given the identified challenges and issues, staff are bringing forward the following recommendations:

No	Current state	Proposed regulation or action	Reasoning
1	The Vaughan Sign By-law defines “Election Sign” as a Sign advertising, promoting or opposing a registered Candidate or Elections Question in a federal, provincial or municipal election, including an election of a local board or commission, and includes Third-Party Election Signs”	Amend the current definition to also include signage for those who should be registered candidates or third parties.	To better align with other related law and ensure that all elections-related signage is addressed under the City’s by-law.
2	The Sign By-law defines “Candidate” as a Person who has been nominated under Section 33 of the Municipal Elections Act, 1996, S.O. 1996, c. 32.	Expand the definition to include those that should be registered candidates under any Canadian statute or regulation.	To ensure the City has the ability to enforce the sign regulations for both those who are and should be registered as candidates.
3	The Sign By-law provides for an exemption for the City and the Region from the requirements of the City’s Sign By-law.	Amend the provision to further clarify that the exemption applies to governmental entities but does not	To ensure clarity and applicability of exemption provisions regarding the use of signs by government.

No	Current state	Proposed regulation or action	Reasoning
	This exemption extends to signs developed by the City or Region for the purpose of distribution by other parties, subject to prescribed conditions set out by the City or Region in agreements with these parties.	extend to Election Signs.	
4	The by-law prohibits placement of election signs on public properties.	Staff recommend this provision to stay as is.	By strengthening the definition of elections signage and clarifying use, as per the above, this will further assist in addressing the issue the of placement of election signage on public property.
5	The Sign By-law includes election sign fees.	Move fees to the Fees and Charges By-law.	This is in line with fees for other types of signage.

Financial Impact

There is no anticipated financial impact as a result of the recommendations of the report.

Broader Regional Impacts/Considerations

The proposed changes will ensure City of Vaughan elections sign regulations are better aligned with federal, provincial and regional regulations.

Conclusion

Following the passing of the City's Sign By-law # 140-2018, staff monitored its suitability, including monitoring any emerging issues as they arose. Through this on-going review, staff identified where technical amendments would add value in the interest of public transparency while further establishing suitability and relevance.

The proposed amendments include enhanced related definitions, further clarity with respect to election sign provisions and the applicability of the exemption provisions found within.

Staff's proposal is directly aligned with the City's By-law Strategy and further supports the Term of Council Service Excellence Strategic Plan for Priority Areas Good Governance and Operational Performance.

For more information, please contact:

Gus Michaels, Director and Chief Licensing Officer, ext. 8735

Attachments

1. Proposed amendments

Prepared by

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Rudi Czekalla-Martinez, Manager, Policy and Business Planning, ext. 8782

Proposed amendments

1. Amend the definition of “Election Sign” to mean a sign advertising, promoting or opposing a registered Candidate, or someone who should be a registered Candidate or Registered Third Party, or an Elections Question, in any federal, provincial or municipal election, including an election of a local board or commission, and includes Third-Party Election Signs.
2. Amend the definition of “Candidate” to mean a person whose nomination as a candidate at an election has been confirmed under any federal, provincial or municipal regulation, or who should be a registered Candidate under any Canadian statute or regulation.
3. In the definitions section, define the term “Governmental Entity” to mean the government of a jurisdiction, any political subdivision of a jurisdiction, such as a federal, provincial, or municipal body, performing a function of the government.
4. Replace subsection 23.1(a) with the following, “The City, the Region, or any other Canadian Governmental Entity are exempt from the requirements of the City’s Sign By-law, which extends to Signs developed by the City or Region or any other Canadian Governmental Entity for the purpose of distribution by other parties, subject to prescribed conditions set out by the City or Region in agreements with these parties.”
5. To delete the following Election Signs fees from Sign By-law 140-2018, as amended, and to move them to the Fees and Charges By-law 171-2013, amending Schedule “I”, to include the following Election Sign fees:
 - a. \$300.00 per Candidate running for the office of Mayor, Regional Councillor, or for Provincial or Federal Office;
 - b. \$150.00 per Candidate running for the office of Ward Councilor;
 - c. \$50.00 per Candidate running for the office of School Trustee; and/or
 - d. \$100.00 for each Candidate and/or Elections Question for which a person intends to erect a Third-Party Elections Sign.