



City of North Bay

Report to Council

Report No: CORP 2021-38

Date: May 3, 2021

Originator: Jenn Montreuil, Deputy City Clerk

Business Unit:

Department:

Corporate Services

Clerks Department

Subject: Election Sign By-Law

Closed Session: yes ☐ no ☒

Recommendation

That Council refer Report to Council CORP 2021-38 dated May 3, 2021 by Jenn Montreuil to the General Government Committee.

Background

The purpose of this report is to provide Council with information regarding the regulation of election signs and to seek Council's direction to create a stand-alone by-law to regulate the placement and enforcement of election signs.

During the course of federal, provincial and municipal elections, signs are routinely placed on both private and public property.

An election sign can be defined as any sign advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission, and further including a by-election or referendum intended to influence persons to vote for or against any candidate or question or bylaw submitted to the electors.

Regulating election signs is not unique to North Bay. The *Municipal Act, 2001*, SO

2001, c 25 allows municipalities to enact by-laws regarding signs. Many municipalities regulate the placement of political/election signs on public and private property. Such regulatory by-laws include provisions for the enforcement (jurisdiction, removal, storage, disposal, fees/fines) associated with unlawfully placed signs.

The establishment of regulations pertaining to election signs are intended to help address the proliferation of election signs placed on both public and private property during the period leading up to an election.

City's Current Regulations of Election Signs

The City's current [Sign By-Law \(2006-143\)](#) defines an election signs as a "temporary sign" used to advertise a name involved in the current political municipal, provincial or federal election. The Sign By-law specifically exempts election signs from the requirement to obtain a sign permit. As a result of this exemption the Sign By-law does not contain any rules regulating the size or placement of election signs.

Staff have received concerns that interpreting the regulations for temporary signs for municipal, provincial and federal elections under the current Sign By-Law is lacking and unclear to staff, the public, candidates and third parties.

At present, the City does not have a by-law that specifically regulates elections campaign signage. The City's Sign By-Law is silent on the placement of election signs. Notwithstanding the provision that temporary signs are not allowed on municipal property, the past practice has been to allow election signs.

To date, the only restriction that the City has adopted is included in the Use of Corporate Resources for Election Purposes Policy (Attachment "A"). This Policy was adopted and approved in 2005 (Attachment "B") and states:

"After Nomination Day, Members of Council and all other certified candidates for office, may use the following parks for the display of election signs:

- 1. Lee Park – from Judge Avenue to James Street*
- 2. Thomson Park – beside Fisher Street*
- 3. Main Street East Overpass – from Oak Street East to Judge Avenue"*

The City Clerk's Office intends on bringing forward a Report to Council this year for the consideration of modernizing the 'Use of Corporate Resources for Election Purposes' Policy.

Jurisdiction – Federal Elections

As provided for by section 332(1)(2), the [Canada Elections Act](#), SC 2000, c 9, private property owners do not have the right to prevent tenants from putting up election posters on the premises they lease in an apartment building.

Property owners do have the right to set reasonable conditions on the size and type of poster, and to prohibit posters in common areas.

As for the placement on public property, in accordance with section 325(1), no one can “prevent or impair the transmission...of an election advertising message without the consent of a person with the authority to authorize the transmissions”, except for the prevention or impairment, by a public authority, of an unlawful transmission, if reasonable notice has first been given to the person who authorized the transmission, pursuant to section 325(2). In addition, in accordance with section 325(2), a sign, poster or banner may be removed by an employee of public authority if the sign, poster or banner is a hazard to public safety.

Jurisdiction – Provincial Election

The *Election Finances Act*, RSO 1990, c E.7 does not address where signs can or cannot be placed. Where public property is involved, this may fall under the jurisdiction of the municipality, or when placed near a highway, may fall under the jurisdiction of the Ministry of Transportation’s General Guidelines Directive for Election Signs (Attachment “C”).

Historical Request for Regulation of Election Campaign Signage

In 2011, Council had directed staff to prepare a report surrounding preliminary information on restricting election campaign signs on any municipal property which remained on General Government Committee. [Report to Council CORP 2011-136 \(Agenda Item No. 1, Page 16\)](#) was noted and filed by Council on July 30, 2019. At the time the Report was noted and filed, certain members of Council requested that the City Clerk prepare a draft by-law for Council’s consideration to regulate the display and erection of election campaign signs and speak to jurisdictional enforcement of said signs within the City of North Bay for future municipal elections.

Proposed Election Sign By-Law

The proposed Election Sign By-Law and Schedules (Attachment “D”) were developed in consultation with the Planning Department and Legal Department. The proposed By-Law is in keeping with existing zoning requirements, is in-line with the City’s Sign By-Law, and also includes the language surrounding sign allowance in certain municipal park locations as noted in the Use of Corporate Resources for Election Purposes Policy.

The proposed Election Sign By-Law would apply to municipal, provincial and federal elections.

The proposed by-law is comparable with the regulatory approaches taken by municipalities with a similar electorate. From research conducted, the surrounding area municipalities have varied approaches in regulating and enforcing election signs (i.e. deposits/fees/set fines, enforcement language contained within policies, stand-alone by-law, or language within their respective sign by-laws).

Date: May 3, 2021

Report Number: CORP 2021-38

Page 3

The regulations in the proposed by-law will address the location of certain election signs, in particular, those causing a potential safety hazard to pedestrians and/or motorists, and the removal of signs within a reasonable period of time immediately following an election.

Third Party Advertising

The proposed Election Sign By-Law will also include regulations for registered third party advertisements including those during the restricted period in accordance with amendments made to the [Municipal Election Act, 1996, SO 1996, c 32, Sched](#) (MEA) in April, 2018.

“Third party advertisement” is defined in the MEA as an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate or a yes or no answer to a question on the ballot.

Upon registration, third parties may support or oppose any candidate (local council and school board trustee positions) that the electors in the municipality can vote for.

Given the addition of third party advertising to municipal elections, it is necessary to include regulations within the proposed new Election Sign By-law to restrict and limit the placement of third party signs in the same manner the City regulates other election signs.

Election signs play an important role in promoting the democratic electoral process; election signs should be placed in a manner that is consistent with provincial and federal legislative requirements, including requirements that election signs not be placed in locations that interfere with the safe movement and visibility of vehicular and pedestrian traffic, or in or on voting locations. Election signs should also be placed in a positive aesthetic of the City.

The following are recommendations regarding the regulations contained in the proposed Election Sign By-Law:

Timing (Section 2.3)

- Election signs shall not be erected or displayed by certified candidates and third party advertisers prior to Nomination Day or September 1st whichever is the latter.
- Election signs can be erected or displayed at campaign offices anytime once a candidate or a registered third party has filed nomination papers.
- Election signs shall not be erected or displayed for a federal or provincial

election anywhere other than a campaign office until the day that the writ of elections is issued. A writ is the formal written order instructing the returning officer in each electoral district to hold an election to elect a member of parliament.

- All Election signs shall be required to be removed within seven days after an Election or By-Election is held. Private property owners are also responsible to ensure that the signs on their properties are removed within this timeframe.

Sizing, Placement & Allowable Quantity of Signs on Public Property

Unless otherwise specified below, no signs shall be placed on public property. The following is a summary of the proposed regulations regarding election signs on public property:

Land Type	Municipal Parks	Municipal Road Allowance	Provincial Road Allowance
Sizing	no larger than 0.4 sq. meters (4.30 sq. feet) in size	no larger than 0.4 sq. meters (4.30 sq. feet) in size	as per the MTO General Guidelines Directive for Election Signs (Attachment "C")
Placement	as per Schedule "A" & "B" Sketches of the Proposed By-Law	not located within the sight triangle and not impeding the necessary sightlines of motorists, snow-removal operations or access to a private drive	as per the MTO General Guidelines Directive for Election Signs (Attachment "C")
Allowable Quantity	Maximum two (2) signs* per candidate or registered third party	Maximum two (2) signs* per candidate or registered third party	as per the MTO General Guidelines Directive for Election Signs (Attachment "C")

*Candidates/Third Parties interested in erecting a Billboard on Public Property will be redirected to the Planning Department to make application under the City's Sign By-Law or to contact Ontario's Ministry of Transportation to make a sign permit application.

Sizing, Placement & Allowable Quantity of Signs on Private Property

The following is a summary of the proposed regulations regarding election signs on private property:

Type	Private Property	Vehicles	Campaign Office
Sizing	No larger than 1.22 metres by 1.22 metres, or higher than 3.0 metres from the top of the sign to the ground level	No minimum regulation	No larger than 1.22 metres by 1.22 metres, or higher than 3.0 metres from the top of the sign to the ground level
Placement	<ol style="list-style-type: none"> Only with consent of owner or occupant of property; and As long as the sign is not: <ul style="list-style-type: none"> ➤ illuminated, has flashing lights or rotating parts ➤ larger than the size noted above ➤ within 2.0 metres of a Travelled roadway or within a sight triangle ➤ obstructing, impeding or interfering with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by a firefighter to any part of a building or fire hydrant; ➤ impeding, hindering or preventing parking of vehicles on private lands ➤ impeding or obstructing the passage of pedestrians where they are reasonably expected to walk ➤ interfering with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals ➤ impeding or obstructing City maintenance operations 	<ul style="list-style-type: none"> ➤ Not allowed to be placed on Public Property other than a street ➤ Not allowed in cemeteries ➤ Not allowed on municipal property ➤ On advance voting or voting day not allowed within 50 metres of a Voting Place or place where the administration of Election processes are conducted 	<p>Same as #2. under Private Property</p> <p>As long as the sign only displays the following:</p> <ul style="list-style-type: none"> ➤ name of a candidate in a municipal election/by-election ➤ name of a candidate and/or logo of political party in a federal or provincial election/by-election ➤ the location of a candidate or registered third party campaign office
Allowable Quantity	Maximum two (2) signs* per candidate or registered third party	No minimum regulation	No minimum regulation*

*Candidates/Third Parties interested in erecting a Billboard on Private Property will be redirected to the Planning Department to make application under the City's Sign By-Law.

Enforcement

- Staff are proposing that unlawful Election signs may be removed without notice or compensation by a By-Law Enforcement Officer during advance voting periods and on voting day.
- Staff are proposing that any Election sign that has been removed by the City and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the City without notice and without compensation.
- Staff are not proposing any set fines for the proposed by-law. Any violations of the by-law would be enforceable by way of Part III of the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

Financial/Legal Implications

The cost of creating a by-law, conducting the review, and implementation any future enforcement efforts are contained within the existing operating budgets for the Clerk's Department, Planning Department and Legal Department (By-Law Division).

Corporate Strategic Plan

- | | |
|---|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

Ensure continuous improvement of governance and administration.

Options Analysis

Option 1

That Council refer Report to Council CORP 2021-38 dated May 3, 2021 by Jenn Montreuil to the General Government Committee.

This is the recommended option.

Option 2

That Council not refer Report to Council CORP 2021-38 dated May 3, 2021 by Jenn Montreuil to the General Government Committee.

Recommended Option

That Council refer Report to Council CORP 2021-38 dated May 3, 2021 by Jenn Montreuil to the General Government Committee.

Respectfully submitted,

Jenn Montreuil
Deputy City Clerk

I concur with this report and recommendation.

David Euler, P. Eng., PMP
Chief Administrative Officer

Karen McIsaac
City Clerk

Christina A. (Tina) Robertson
Assistant City Solicitor/City Prosecutor

Beverley Hillier
Manager, Planning & Building Services

Ron Melnyk
By-Law Enforcement Coordinator

Personnel designated for continuance:

Jenn Montreuil
Deputy City Clerk

Karen McIsaac
City Clerk

The Corporation of The City of North Bay

POLICIES AND PROCEDURES	MUNICIPAL ELECTIONS
	APPROVED: NOVEMBER 1, 2005 RESOLUTION No. 2005-738
	SUBJECT: MUNICIPAL ELECTIONS
	USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES POLICY

POLICY & PURPOSE

This Policy is to clarify the provisions of the *Municipal Elections Act, 1996* and applies to all members of municipal Council.

SCOPE

The purpose of this policy is to clarify that members of Council are required to follow the provisions of the *Municipal Elections Act, 1996* and that:

- No member shall use the facilities, equipment, supplies, services, staff or other resources of the municipality (including newsletters and budgets) for any election campaign or campaign related activities.
- No member shall undertake campaign-related activities on municipal property during regular working hours.
- No member shall use the services of persons during hours in which those persons receive compensation from the municipality.

Specifically, and in accordance with the provisions of the *Municipal Elections Act, 1996*:

1. Corporate resources and funding may not be used by members of Council for any election-related purposes.
2. Staff may not canvass or actively work in support of a municipal candidate during normal working hours unless they are on a leave of absence without pay, lieu time, or vacation leave.

3.
 - (1) Subject to subsection (2), Members of Council may not use any municipally-provided facilities for any election-related purposes, which include displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office.
 - (2) After Nomination Day Members of Council and all other certified candidates for office may use the parks listed in Schedule "A" hereto for the display of election signs.
4. The Budget for Mayor of Council for the period January 1 to Voting Day in a municipal election year be restricted to 11/12ths of the approved annual budget amount with the provision that subsequent to Voting Day:
 - (i) the Mayor Elect be allocated a budget equal to 1/12th of the approved budget amount for the month of December; or
 - (ii) the acclaimed Mayor be allocated a budget equal to 1/12th of the approved budget amount for the month of December.
5. The following be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Voting Day:
 - (i) all forms of advertising, including in municipal publications;
 - (ii) all printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council;
 - (iii) the ordering of office furniture and furnishings, except those of any emergency nature, as well as no movement of furniture and furnishings; and
 - (iv) the ordering of stationery.
6. Members of Council may not:
 - (i) print or distribute any material paid by municipal funds that illustrate that a Member of Council or any other individual is registered in any election or where they are running for office;
 - (ii) profile (name or photograph), or make any reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election;
 - (iii) print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections; and that the Minutes

of municipal Council and Committee Meetings are exempt from this provision.

7. Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the municipality is not directly election-related.
8. Web sites or domain names that are funded by the municipality may not include any election-related campaign material.
9. Members of Council may not use the municipality's voice mail system to record election related message.
10. These policies also apply to an acclaimed Member or a Member not seeking re-election.

ENFORCEMENT:

11. The Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

LIMITATION

12. Nothing in this policy shall preclude a Member of Council from performing his/her job as a Member of the Council, nor inhibit them from representing the interests of the constituents who elected them.

IMPLEMENTATION

13. This policy shall become effective immediately upon approval by the municipal Council.

RATIONALE AND LEGISLATIVE AUTHORITY

14. Guidelines for the appropriate use of corporate resources during an election period are necessary to protect the interests of both the Members of Council and the Corporation.

Section 70(4) (3) of the *Municipal Elections Act, 1996* prohibits a municipality from making a contribution to a candidate. Section 70(7) of the Act prohibits a candidate, or someone acting on the candidate's behalf

from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use by a Member of Council or the Corporation's resources for his or her election campaign would be viewed as a contribution by the municipality to the Member, which is a violation of the Act.

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SCHEDULE "A"

After Nomination Day Members of Council and all other certified candidates for office, may use the following parks for the display of election signs:

1. Lee Park – from Judge Avenue to James Street.
2. Thomson Park – beside Fisher Street.
3. Main Street East Overpass – from Oak Street East to Judge Avenue.

INTER OFFICE

MEMO

Council Secretariat

To: Mayor Fedeli & Members of Council
From: Catherine Conrad
Subject: Use of Corporate Resources for Municipal Elections Purposes Policy
Date: 7 November 2005

This is Resolution No. 2005-738 which was passed by Council at its Regular Meeting held on Tuesday, November 1, 2005.

Resolution No. 2005-738:

"That Council approve the "Use of Corporate Resources for Municipal Elections Purposes Policy" attached to Report No. CORP 2005-165."

Catherine Conrad,
City Clerk.

CMC/cjc
Attachment

Copy to: D.G. Linkie - copy of Policy attached
Election File - copy of Policy attached

Ministry of Transportation

Provincial Highways Management
Northeastern Region
Corridor Management Section
207 Main Street W
Huntsville, ON P1H 1Z9
Tel.: (705) 789-2391 ext. 234
Fax.: (705) 789-3606

Ministère des Transports

Gestion des routes provinciales
Région du Nord-Est
Section de gestion des couloirs routiers
207, rue Main Ouest
Huntsville (Ontario) P1H 1Z9
Tel.: (705) 789-2391 ext. 234
Fax.: (705) 789-3606



General Guidelines for Election Signs

Election signs placed by or on behalf of a candidate or a political party, and signs designed to encourage citizens to vote, may be placed on the right-of-way of a highway after an official election has been issued, or for municipal elections in accordance with any by-law outlining a time frame for the placement of municipal election signs, subject to the following conditions:

An Election sign must not be placed upon or adjacent to the right-of-way of a Class 1A Freeway, Class 1B Staged Freeway and Class 2A Principal Arterial Highway (i.e. Highway 400, Highway 11 and Highway 69).

Election signs may be erected on the right-of-way or adjacent to a Class 2B Undivided Arterial Highway, a Class 3 Collector Highway or Class 4 Local Highway after an official election has been called.

Everyone has the right to place an election sign on their private property no matter what Class of Highway. A maximum of two election signs are permitted upon any one property. Any election sign over 3.7 m² (40 ft²) require a sign permit.

Election signs up to 0.7m² (8 ft²) in size must be placed a minimum of 4m (12 ft) from edge of pavement. Election signs over 0.7m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs must not be affixed to any permanent or official highway sign, a guide rail or other highway structure or facility. They must not be placed where they may interfere with visibility, official signs, traffic signals, or other safety devices. They must not be placed on a safety island at intersections.

An election sign must not exceed one sign facing in each direction of travel on the right-of-way on any 2.0 km section of a provincial highway.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized, providing they are erected on private property and meet the requirements of the ministry for portable read-o-graph signing.

Permits or Letters of Approval are not required for any election signs erected under the Ministry of Transportation's Corridor Signing Policy. A Sign Permit will be required for any signs in excess of 3.7 m² (40 sq. ft.) in size and they must be placed on private property.

Any signs contravening this policy will be removed by the Ministry of Transportation.

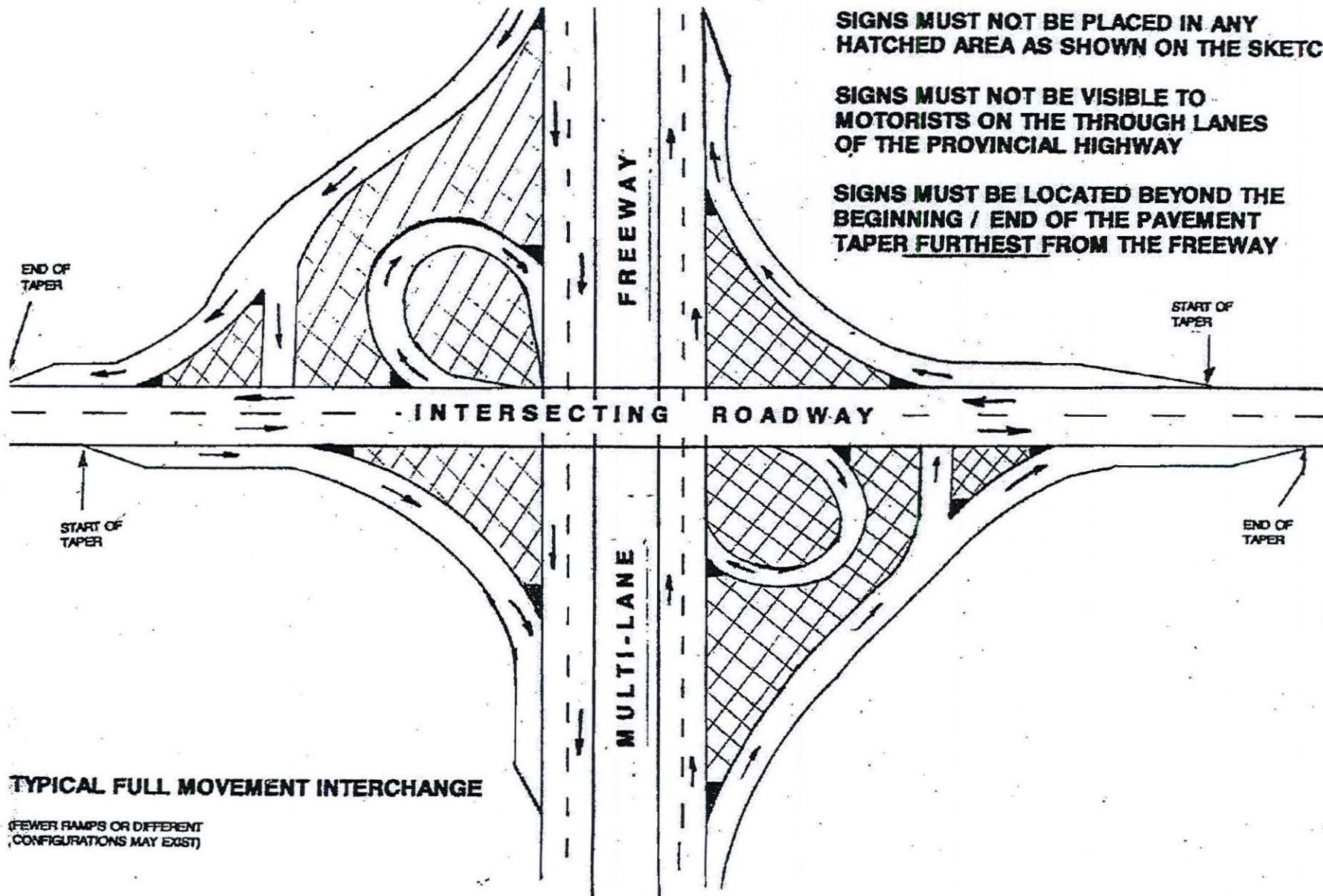
Candidate committees, volunteers and/or workers shall be required to remove all candidate advertising (election signs) from the Ministry of Transportation right-of-way and adjacent properties within three (3) working days following Election Day.

Signs not retrieved by this time will be picked up by the Ministry of Transportation patrol forces and stored in a safe place (patrol yard, etc.) for a period of two (2) weeks. After this time the election signs will be disposed of.

**SIGNS MUST NOT BE PLACED IN ANY
HATCHED AREA AS SHOWN ON THE SKETCH**

**SIGNS MUST NOT BE VISIBLE TO
MOTORISTS ON THE THROUGH LANES
OF THE PROVINCIAL HIGHWAY**

**SIGNS MUST BE LOCATED BEYOND THE
BEGINNING / END OF THE PAVEMENT
TAPER FURTHEST FROM THE FREEWAY**



TYPICAL FULL MOVEMENT INTERCHANGE

(FEWER RAMPS OR DIFFERENT
CONFIGURATIONS MAY EXIST)

The Corporation of the City of North Bay
By-Law No. 2021-32
Being a By-Law to Regulate Election Signs
Within the City of North Bay

Whereas subsection 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power shall be exercised by by-law;

And Whereas subsection 10(2), paragraph 10 of the *Municipal Act, 2001* authorizes a single-tier municipality to pass by-laws respecting structures including signs; and

And Whereas subsection 63(1) of the *Municipal Act, 2001* provides that a By-Law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

And Whereas subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

And Whereas section 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred, to do work to correct the contravention;

And Whereas section 88.3 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 provides that any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate;

And Whereas section 88.7 of the *Municipal Elections Act, 1996* provides that where a municipality is satisfied that there has been a contravention of that Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;

And Whereas section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

And Whereas the Council of The Corporation of the City of North Bay is of the opinion that the legislative powers under this By-Law should be delegated to the City Clerk or his or her designate;

And Whereas The Corporation of the City of North Bay deems it expedient to pass a By-Law to regulate the placement of election signs for federal, provincial and municipal elections and by-elections;

And Whereas the Council of The Corporation of the City of North Bay passed Resolution 2021- ____ at its Regular Meeting held on the ____ day of _____, 2021 with respect to the regulation of election signs in the City of North Bay.

Now Therefore Be It Resolved That the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

This By-Law may be cited as the “Election Sign By-Law”.

1.2 Reference Aids

The headings and subheadings used in this By-Law are inserted for convenience of reference only and do not form part of the By-Law and shall not affect in any way the meaning or interpretation of the provisions of this By-Law.

1.3 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.4 Compliance with Legislation

Nothing in this By-Law relieves any person from complying with any provision of any federal or provincial legislation, or any other By-Law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001*.

1.5 Conflict

If a provision of this By-Law is in conflict with a provision of any applicable act, regulation or other By-Law, the provision that establishes the higher or more restrictive standard shall apply.

1.6 Schedules

The Schedules referred to in this By-Law form an integral part of this By-Law.

1.7 Delegation

The administration of this By-Law is hereby delegated to the City Clerk.

1.8 Definitions

For the purposes of this By-Law:

“**Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25.

“Advanced Voting Day” means one or more days, held not more than thirty (30) days before Voting Day, that are designated by the City Clerk for electors to cast ballots prior to Voting Day.

“Billboard Election Sign” means an approved billboard pursuant to the City’s Sign By-Law 2006-143, as amended, being an outdoor sign erected and maintained by a person engaged in the sale or rental of the space on the Billboard Election Sign to a Candidate or Registered Third Party for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate or political party, or influencing electors to vote for or against an issue associated with a Candidate or political party, or influencing electors to vote for or against any Candidate or any question, law or By-Law submitted to the electors.

“Boulevard” means the portion of a Street which is not used as a Sidewalk, driveway access, Travelled Roadway, shoulder, Median Strip or Traffic Island.

“By-Election” means any Election other than a regular Election in the case of a municipal Election or a general Election in the case of a provincial or federal Election.

“By-Law Enforcement Officer” means the By-Law Enforcement Coordinator for the City of North Bay or any other individual authorized to enforce by-laws on behalf of the City of North Bay.

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign and where a Candidate’s or Registered Third Party’s campaign staff is normally present and the public may enter to obtain information regarding the Candidate or Registered Third Party.

“Campaign Office Election Sign” means any sign placed on a Campaign Office.

“Canada Elections Act” means the federal statute cited as the *Canada Elections Act*, S. C. 2000, c.9.

“Candidate” means a person who has been nominated to run in a municipal, provincial or federal Election, and shall be deemed to include a Registered Third Party seeking to influence electors to vote for or against any Candidate or any question or By-Law submitted to the electors under section 8 of the *Municipal Elections Act*, 1996.

“City” means The Corporation of the City of North Bay.

“City Clerk” means the City Clerk of the City or a person designated by them for the purpose of this By-Law.

“Election” means a general federal or provincial Election or a regular municipal Election and any question or By-Law submitted to the electors and includes an Election to a Local Board or commission.

“Election Act” means the provincial statute cited as the *Election Act*, R. S. O. 1990, c.E.6.

“Election Sign” means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:

- I. advertises, promotes, opposes or takes a position with respect to any Candidate or political party in a federal, provincial or municipal Election or By-Election, including an Election of a Local Board or commission; or
- II. is intended to influence electors to vote for or against an issue associated with a Candidate or political party in a federal, provincial or municipal Election or By-Election; or
- III. is intended to influence electors to vote for or against any Candidate or any question, law or By-Law submitted to the electors under the *Canada Elections Act*, the *Election Act*, or section 8 of the *Municipal Elections Act*, 1996.

For the purposes of clarification, an Election Sign does not include any Election campaign literature (e.g. pamphlets and brochures) but does include a Billboard Election Sign, Campaign Office Election Sign, Third Party Advertisement and Vehicle Election Sign.

“Local Board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

“Median Strip” means that portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by means of a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout.

“Municipal Elections Act” means the provincial statute cited as the *Municipal Elections Act*, 1996, S. O. 1996, c.32.

“Nomination Day” for a regular municipal Election means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act*. In the case of a municipal By-Election, the City Clerk shall fix the date of Nomination Day in accordance with the provisions of sub-section 65 (4) 1. of the *Municipal Elections Act*.

“Person” means but is not necessarily limited to, an individual, business, firm, corporation, unincorporated business, trade union, partnership, or association, and includes a Registered Third Party.

“Place” means to attach, install, erect, build, construct, reconstruct, move, display or affix. Placed, placement and placing shall have a similar meaning.

“Public Property” means property owned by or under the control of the City, any of its agencies, Local Boards or commissions, including highways and Streets, and shall be deemed to include public utilities facilities including Public Utility Poles, regardless of whether the Public Utility Poles are owned by or under the control of the City and shall also be deemed to include, buses, bus shelters, benches, municipal garbage containers or other structures located on a Street regardless of whether the shelters, containers or structures are owned by the City. Property owned by the City and leased to another person shall not be deemed to be Public Property.

“Public Utility Pole” means a pole owned or controlled by an entity which provides a municipal or public utility service.

“Registered Third Party” means one of the following whose notice of registration has been certified by the City Clerk pursuant to section 88.6 of the *Municipal Elections Act*:

- (a) An individual who is normally a resident in Ontario; or
- (b) A corporation that carries on business in Ontario; or
- (c) A Trade Union that holds bargaining rights for employees in Ontario.

“Sidewalk” means that portion of a Street with a surface that is improved and designed or ordinarily used for the use of pedestrians and shall include a multi-use path.

“Sight Triangle” means the triangular space formed by the Travelled Roadways of the Streets abutting a corner lot and a line drawn from a point in one Travelled Roadway to a point in the other Travelled Roadway, each point being 9m from the point of intersection of the Travelled Roadways (measured along the curb

lines or edge of pavement). Where the two Travelled Roadways do not intersect at a point, the point of intersection of the Travelled Roadways shall be deemed to be the intersection of the projection of the curb lines or edge of pavement.

“Street” means the allowance for a public road and includes the travelled and untraveled portions of the Street, including the Median Strips, Traffic Islands, shoulders, Boulevards and Sidewalks.

“Third Party Advertiser” has the same meaning as Registered Third Party.

“Third Party Advertisement” shall mean a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate in a municipal Election or an Election of a Local Board or commission, or intended to influence persons to vote for or against any Candidate or any question or By-Law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*, and which has been placed without the authorization, direction or involvement of a Candidate.

“Trade Union” means a trade union as defined in the federal *Labour Relations Act, 1995*, or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

“Traffic Island” means a small raised area in the middle of a Street that provides a safe place for pedestrians to stand and marks a division between two or more opposing streams of traffic.

“Travelled Roadway” means that portion of a Street that is designed or ordinarily used for vehicular traffic and delineated by the curb line or the edge of pavement.

“Vehicle Election Sign” means any form of Election Sign displayed in or on a vehicle, including a vehicle wrap.

“Voting Day” means the day on which the final vote is to be taken in an Election or By-Election.

“Voting Place” means the location(s) where electors cast their ballots as approved by the federal, provincial, or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting Streets, when such Voting Place is located within a public or private premises and shall also include the common elements when the Voting Place is located within a private premises.

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act*.

Part 2 – Regulations

2.1. General

- (1) No person shall deface or willfully cause damage to an Election Sign.
- (2) No Candidate or Third Party Advertiser to whom an Election Sign relates shall permit an Election Sign to be left in a state of disrepair.
- (3) No person shall place or permit to be placed on any Election Sign a logo, trademark, crest or official mark, in whole or in part, owned or licensed by the City.

2.2 Candidate / Registered Third Party Responsibility

The Candidate or the Registered Third Party to whom an Election Sign relates shall be responsible for the placing, removal and maintenance of the Election Sign and shall ensure that all requirements of this By-Law are met.

2.3 Timing

- (1) In a municipal election, no election signs shall be placed before Nomination Day or September 1st whichever is the latter.
- (2) No person shall place or permit to be placed any Election Sign for a federal or provincial Election or By-Election prior to the day the Writ of Election is issued.
- (3) Notwithstanding subsection (1), in a municipal election, Campaign Office Election Signs may be placed once a Candidate has been certified or a Registered Third Party has been certified with the City Clerk.
- (4) All Election Signs shall be removed within seven (7) days after the day on which the Election or By-Election is held.
- (5) Where an Election Sign has been placed on private property, it is the responsibility of the owner or occupant of the property to ensure that the Election Sign(s) is removed within the required time frame as noted in section 2.6.

2.4 Placement of Signs - General

- (1) No person shall place or permit to be placed an Election Sign within the limits of the City, except in accordance with this By-Law and all applicable legislation.

- (2) No person shall place or permit to be placed an Election Sign or Vehicle Election Sign on, in, or within 50 metres of a Voting Place or a place where the administration of Election processes are conducted on Advance Voting Day or Voting Day.
- (3) No person shall place or permit to be placed an Election Sign in a cemetery or on any property that is abutting a cemetery.

2.5 Placement of Signs - Public Property

- (1) No person shall place or permit to be placed an Election Sign on or abutting Public Property including a Street except as permitted by this By-Law, including but not limited to:
 - (a) Municipal Buildings, Fire Halls and Police Stations;
 - (b) Public Works Yards and Garages;
 - (c) Arenas and Community Centres;
 - (d) Municipal Parks except in accordance with section 2.5(3);
 - (e) Public Library building and property;
 - (f) Street/Road allowances, including within a Median Strip or Traffic Island, except in accordance with section 2.5(2); and
 - (g) Lands and Buildings owned by the North Bay-Mattawa Conservation Authority.
- (2) Election Signs may be placed on municipal road allowances provided that:
 - (a) Election Signs are no larger than 0.4 sq.m in size;
 - (b) the Election Sign is not located within the Sight Triangle; and
 - (c) the location of the Election Sign is not impeding the necessary sightlines of motorists, the City's snowploughing operations, or access to a private drive.
- (3) All certified candidates for office or certified third party advertisers may use the following parks for the display of election signs:
 - (a) Main Street East Overpass (from Oak Street East Judge Avenue) as shown on Schedule 'A';
 - (b) Lee Park (from Judge Avenue to James Street) as shown on Schedule 'A'; and
 - (c) Thomson Park (beside Fisher Street) as shown on Schedule 'B'.

2.6 Placement of Signs – Private Property

- (1) This section only applies to private property.
- (2) No person shall place or permit to be placed an Election Sign on private property without permission or consent of the owner or occupant of the property.

- (3) No person shall place or permit to be placed an Election Sign on private property that:
- (a) is illuminated, has flashing lights, or rotating parts;
 - (b) is larger than 1.22 metres by 1.22 metres, or higher than 3.0 metres from the top of the sign to the ground level;
 - (c) is located within 2.0 metres of the Travelled Roadway or within a Sight Triangle;
 - (d) obstructs, impedes or interferes with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by a firefighter to any part of a building or fire hydrant;
 - (e) impedes, hinders or prevents parking of vehicles on private lands;
 - (f) impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - (g) interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals; or
 - (h) impedes or obstructs City maintenance operations.
- (4) Section 6.5(3) does not apply with respect to Campaign Office Election Signs, Billboard Election Signs or specified Vehicle Election Signs.
- (5) No person shall place or permit to be placed more than two (2) Election Signs per Candidate or Registered Third Party on any Street frontage of a property.
- (6) Notwithstanding subsection (5) and subject to the provisions of this By-Law, in accordance with section 88.2 of the *Municipal Elections Act, 1996*, owners or tenants in an apartment building, condominium building, non-profit housing co-operative or a gated community may Place Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, co-operative or condominium corporation.

2.7 Vehicle Election Signs

- (1) No person shall place or permit to be placed a Vehicle Election Sign except in accordance with the provisions of this By-Law.
- (2) No person shall place or permit to be placed a Vehicle Election Sign on Public Property (other than a Street) or a cemetery.
- (3) Notwithstanding section 2.4 of this By-Law, a Vehicle Election Sign may be placed by a Candidate or Registered Third Party on or in a vehicle while such vehicle is in use on any Street in the City in accordance with all applicable laws and By-Laws.

- (4) On Advance Voting Day and Voting Day, no person shall place or permit to be placed a Vehicle Election Sign on a Voting Place or a place where the administration of Election processes is conducted or within 50.0 metres of a Voting Place or a place where the administration of Election processes is conducted.

2.8 Campaign Office Signs

- (1) Campaign Office Election Signs placed pursuant to of this By-Law shall only display:
 - (a) the name of a Candidate in a municipal Election or By-Election; or
 - (b) the name of a Candidate and the name and / or logo of a political party in a federal or provincial Election or By-Election; or
 - (c) the name of a Registered Third Party in a municipal Election or By-Election; and
 - (d) the location of a Candidate's or Registered Third Party's Campaign Office,

and shall contain no other message.

- (2) Other Election Signs may be placed on the Campaign Office property in accordance with the provisions of this By-Law and all other applicable legislation respecting Election Signs.

2.9 Third Party Advertisers

- (1) A Third Party Advertiser shall be registered with the City Clerk prior to placing any Election Signs.
- (2) A Third Party Advertiser shall ensure that their Third Party Advertisements contain valid and up-to-date contact information, including the name of the Registered Third Party, the municipality where the Registered Third Party is registered, and a telephone number, mailing address or e-mail address at which the Registered Third Party may be contacted, in order to identify at least one individual responsible for the Placing of the Third Party Advertisements including any Election Sign(s).

2.10 Fees & Permits

- (1) Notwithstanding any other By-Law of the City to the contrary, no user fee shall be charged by the City for the administration of this By-Law.
- (2) No permit shall be required in order to place an Election Sign in accordance with this By-Law.

2.11 Exemptions

This By-Law shall not apply to:

- (1) signs placed by the City or the provincial or federal governments to provide information concerning an Election or By-Election or any part of an Election or By-Election process; or
- (2) any road allowances under the jurisdiction of the Ontario Ministry of Transportation. All Elections Signs displayed along any Provincial Highway shall adhere to Provincial Regulations.

Part 3 – Enforcement

3.1 Authority to Enforce

This By-Law may be enforced by a By-Law Enforcement Officer as designated by the City Clerk.

3.2 Obstruction

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, a By-Law Enforcement Officer in the lawful exercise of a power or the performance of a duty under this By-Law.
- (2) Any person who is alleged to have contravened any provision of this By-Law shall identify himself or herself to the By-Law Enforcement Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the officer's duties.

3.3 Removal of Unlawful Election Signs

- (1) The City reserves the right to remove, without notice or compensation to any person, including the candidate, any Election Sign which is deemed to be a hazard.
- (2) If an Election Sign is in violation of this By-Law but is not causing a hazard, a By-Law Enforcement Officer may issue an Order to the Candidate or Registered Third Party, providing details of the violation and requiring removal or relocation of the unlawful Election Sign within twenty-four (24) hours.
- (3) Any person who has been ordered by a By-Law Enforcement Officer under subsection (2) to remove or relocate an Election Sign shall comply with the Order.

- (4) Notwithstanding subsection (2), where an Election Sign has been placed in contravention of any provision of this By-Law, a By-Law Enforcement Officer may cause the Election Sign to be removed immediately without notice or compensation and / or take any further action as provided within this By-Law.
- (5) On Advance Voting Day and Voting Day, unlawful Election Signs may be removed without notice or compensation by a By-Law Enforcement Officer.
- (6) Any Election Sign that has been removed by the City and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the City without notice and without compensation.

3.4 Offence and Penalty

- (1) Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

3.5 Order

- (1) Where any person contravenes any of the provisions of this By-Law and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court or competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the person convicted.
- (2) Any person who contravenes an Order Prohibiting Continuation or Repetition made under this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided by the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

Part 4 – Coming Into Force

4.1 Coming Into Force

This By-Law shall come into force and effect upon passing.

Read a First Time in Open Council this____day of _____, 2021.

Read a Second Time in Open Council this____day of_____, 2021.

Read a Third Time in Open Council and Enacted and Passed this____day of _____, 2021.

Mayor Allan McDonald

City Clerk Karen McIsaac



Legend

 Permitted Area	 Building
 Road	 Sports Field
 Road Bridge / Culvert	 Parking / Driveway (of Interest)
 Sidewalk	 Park or Crown Land
 Pedestrial Bridge	 Private Assessment Parcel
 Tunnel	 Road Allowance
	 Waterbody

CITY OF NORTH BAY

BY-LAW 2021-32

SCHEDULE

A

1:1,900 @ Legal Size

0

m
110
55

All schedules must be read in conjunction with the text of the City of North Bay By-Law 2021-32

This is Schedule "A"
To By-law 2021-32
Passed the __ day of ____, 2021

Mayor Allan McDonald

City Clerk Karen McIsaac

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Data Sources: City of North Bay GIS
North American Datum 1983 Universal Transverse Mercator 17 T (Metric)
File: By-Law 2021-32 Schedule A PROJG2021_0002



Legend

Permitted Area

Road

Road Bridge / Culvert

Sidewalk

Pedestrial Bridge

Tunnel

Building

Sports Field

Parking / Driveway (of Interest)

Park or Crown Land

Private Assessment Parcel

Road Allowance

Waterbody

CITY OF NORTH BAY
BY-LAW 2021-32

SCHEDULE
B

1:3,133 @ Legal Size

0

90

180

m

All schedules must be read in conjunction with the text of the City of North Bay By-Law 2021-32

This is Schedule "B"
To By-law 2021-32
Passed the __ day of ____, 2021

Mayor Allan McDonald

City Clerk Karen McIsaac

Page 2 of 2

NORTH BAY
ONTARIO
Just North Enough to be PERFECT

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File: By-Law 2021-32 Schedule A PROJG2021_0002