

COMMITTEE OF THE WHOLE (WORKING SESSION) NOVEMBER 11, 2008

SIGN BY-LAW AMENDMENTS

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the City Clerk and the Director of Enforcement Services, recommends:

1. That the election sign provisions of By-law 203-92 be amended as outlined; and
2. That Public Notice be provided.

Economic Impact

Not applicable.

Communications Plan

Staff is recommending that for ease of enforcement and to reduce confusion, the provision be revised to reflect the same period as the Region's By-law: 6 weeks prior to election day.

Public Notice will be given that amendments to the Sign By-law 203-92 are to be considered at a Committee of the Whole meeting to be specified.

Purpose

This report is to provide draft amendments to the Sign By-law 203-92, as amended.

Background – Analysis and Options

In 2006, amendments were enacted to the Sign By-law 203-92 in an attempt to control the proliferation and clutter of election signs, and with a view to seeking York Region's agreement to ensuring only one set of election sign regulations prevailed within the City of Vaughan.

Some of the principles the By-law attempts to balance in regulating election signs are:

- Reducing and minimizing impacts of street 'clutter'
- Ensuring no public safety/hazards arise (i.e. maintaining sight lines)
- Ensuring a level playing field among all candidates
- Ensuring Charter Rights are respected
- Simplifying and ensuring general understanding of the rules
- Reduce points of conflict between candidates and Enforcement staff

To reduce/minimize the impacts of street 'clutter' during election periods, provisions are in place restricting the timing, location and size of election signs. The City's By-law contains an outright prohibition of election signs on road allowances. However, York Region's By-law differs in this regard, permitting election signs at intersections of all Regional roads, subject to certain conditions. Staff had sought to obtain support from the Region to all the more restrictive regulations to prevail within Vaughan. These attempts have not met with success.

The Region's By-law allows election signs to be erected 6 weeks prior to election day. The lack of alignment between the two By-laws has given rise to misunderstanding and confusion. Also, the two tiers of government are each responsible for enforcement of their own By-laws. The Region does not allocate any funds to the City to cover such enforcement costs incurred, and the

City can not receive fine revenues from such enforcement. Therefore, while the City does, on occasion, enforce the Region's Sign By-law provision within the City of Vaughan, this is typically confined to issues potentially impacting public safety (sight lines for motorists).

In 2006, the Sign By-law was amended to restrict the length of time that an election sign could be posted prior to an election from 42 days to 21 days. This amendment, however, was successfully challenged in Court during the 2007 Provincial Election, which had a campaign period of 30 days. The Superior Court of Justice found that prohibiting election signs during the 30-day election campaign infringed upon a candidate's freedom of expression under the *Charter of Rights and Freedoms*.

Staff is recommending that to reduce confusion, the provision be revised to reflect the same period as the Region's By-law: 6 weeks prior to election day.

In 2006, Council directed the imposition of a \$20 per sign fee, for signs illegally erected, which was intended to defray City enforcement costs and deter non-compliance. This fee is attributable to the candidate whose sign is confiscated. While a deposit was taken from each candidate, some candidates incurred fees far in excess of the deposit, rendering the deposit meaningless in most cases. The administrative effort in obtaining, documenting and monitoring the deposit may outweigh the effectiveness in its use to deter non-compliance and/or reduce staff time in collecting fees after the fact.

Staff is recommending that the deposit provision be removed, so that no deposit is obtained from candidates in elections.

Relationship to Vaughan Vision 2020

This Report meets the Vaughan Vision objectives of enhancing community safety and excellence in service delivery.

Regional Implications

None

Conclusion

In an effort to ensure misunderstandings and confusion are reduced, Charter Rights are respected, and conflicts between candidates and Administrative or Enforcement staff are minimized, staff are recommending alignment of the City's By-law to the Region's with respect to the 6 week window for election signs and deletion of the candidate deposit provisions.

Attachments

None

Report prepared by:

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Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal and Administrative Services and
City Solicitor