

COMMITTEE OF THE WHOLE (WORKING SESSION) MARCH 30, 2009

AMENDMENTS TO SIGN BY-LAW PROVISIONS RELATING TO ELECTION SIGNS

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 Public Notice be provided pursuant to Notice By-law 394-2002, as amended; and
2. That the election sign provisions of the Sign By-law, 203-92, as amended, be further amended by:
 - (i) aligning the time for posting election signs with the issuance of the writ for federal and provincial elections (30 days), and with the close of nominations for municipal elections (45 days);
 - (ii) making the deposit a non-refundable fee; and
 - (iii) deleting the confiscation fee.

Economic Impact

Potential off-set to the cost of enforcement derived from the confiscation fee will be substantially reduced.

Communications Plan

Public Notice summarizing the proposed amendments of the Sign By-law will be provided pursuant to Notice By-law 394-2002. As well, candidate information materials will be updated.

Purpose

This Report sets out proposed amendments to the election sign provisions of the Sign By-law.

Background - Analysis and Options

On November 24, 2008, Council directed Staff to bring back a report to amend the Sign By-law as it relates to election signs.

a) Length of Time to Post Signs Prior to Election

In 2007, as a result of a court challenge to the length of time that election signs could be posted prior to an election (21 days), this provision of the By-law was struck down. The City needs to enact a revised provision. At the federal and provincial level, a campaign period is commenced by the issuance of a writ of election. While there are currently fixed election dates at both the federal and provincial level, and a fixed 30 day election period at the provincial level, it is possible that these dates may vary, thereby creating varying election campaign periods. Accordingly, Staff are recommending that the Sign By-law be amended to allow federal and provincial election signs when a writ of election is issued. Since a municipal election campaign period is not commenced by way of a writ of election, Staff are recommending that the Sign By-law be amended to allow municipal election signs at the close of nominations, which is 45 days prior to the election. Other GTA municipalities such as Toronto and Mississauga have incorporated similar provisions in their respective sign by-laws.

b) Conform to Region's By-law

Pursuant to the Regional Sign By-law, election signs are permitted on Regional road allowances at certain intersections within the City. Even though Vaughan's Sign By-law does not contemplate the placement of election signs on City road allowances, the Regional Sign By-law effectively supercedes to allow the placement of election signs on road allowances, subject to criteria and restrictions. Enforcement Staff will continue to enforce the Sign By-law on a complaint and proactive basis by confiscating illegally placed election signs from City property. Complaints regarding illegally placed election signs on Regional road allowances will be directed to the Region for enforcement.

c) Deposit a Non-refundable Fee

The Sign By-law requires that a candidate post a "deposit" before placing signs in the City. Given the Staff resources required to administer and enforce the election sign provisions, Staff are recommending that the deposit posted by all candidates who wish to place election signs be a non-refundable fee, which will help to defray the City's costs in administering and enforcing the Sign By-law.

d) No Confiscation Fee

Currently, the Sign By-law levies a \$20 fee for each confiscated sign. The effect of confiscation fees may be inequitable, given that fees are levied regardless of fault on the part of the candidate. Furthermore, confiscation fees may have unanticipated adverse impacts on candidates' participation in the political process. Accordingly, Staff are recommending the deletion of confiscation fees.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

The Regional Sign By-law will prevail with respect to location of election signs at regional road intersections.

Conclusion

It is appropriate that the time periods for election signs conform with the issuance of an election writ in the case of federal and provincial elections (30 days), and the close of nominations in the municipal context (45 days), which will help ensure that Charter rights are respected. Deleting the Sign By-law provisions that authorize confiscation fees and deposits, and the creation of a permit fee for election signs will help to create an equitable situation whereby participation in the political process is balanced with the City's associated enforcement costs. During the next election, Enforcement Staff will continue to confiscate illegally placed signs on a proactive and complaint basis.

Attachments

N/A

Report prepared by:

Chris G. Bendick
Solicitor

Respectfully submitted,

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