






Political Signage

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Background

As outlined in the Governance and Priorities Matrix, Council requested an overview of how political signage is currently regulated and how the process may be streamlined going forward.

Council also wanted further information on what other regulatory options were available such as restricting the location of signs or limiting the number of signs per candidate.

Overview

- How political signage is currently regulated for:
 - public property
 - private property
 - highway rights of way
- Conflicts with existing regulations
- Options for regulating signs going forward and implications
 - banning political signage
 - regulating the number of signs or location
 - timeframe for placement and removal
 - size of political signs
- Options for moving forward

Current Regulations – Public Property

Signage on public property is regulated through three bylaws:

Sign Bylaw No. 2850 (Section 6.11)

- cannot exceed 6.5 ft. ²
- can be placed **30 days before** the election date
- must be removed **no more than 7 days after** the election
- signs located on or adjacent to any highway are subject to the provisions of the Traffic & Highways Bylaw which states that signs must be removed **no more than 30 days after** the election



Current Regulations – Public Property Cont.

Traffic & Highways Bylaw No. 5000 (Section 23)

- Candidates must file a written undertaking with the Corporate Officer that signs will be removed **no more than 30 days after the election.**
- Signage cannot be erected on highway medians or affixed to utility poles or trees or obstruct the free passage or visibility of pedestrians or traffic.



Current Regulations – Public Property Cont.

Parks, Recreation & Culture Bylaw No. 7073 (Section 5)

- No person can place a sign in “parks”
- Parks: means play areas, play lots, playgrounds, play fields, trails, public squares, open spaces and other places including recreation or cultural facilities which are owned, possessed or operated by the City of Nanaimo and which are used, reserved or dedicated for public Parks, Recreation and Culture purposes.
- Subject to Traffic and Highway Bylaw



Current Regulations – Private Property

Sign Bylaw No. 2850 (Section 6.6)

- Political or campaign signs on private property may be erected without a permit provided such signs are removed **within 7 days after** the election and conform with the Traffic & Highways Bylaw.
- The Traffic & Highways bylaw states that signs (which applies to public or private property) adjacent to any highway must be removed **no more than 30 days** after the election.



Highway Rights of Way

Provincial Policy T-03/18

- Signs may only be erected during the “campaign period” as defined by Elections BC (28 days before general election day and the day of the election for a **total of 29 days**)
- Signs must be removed **on the day following the election**
- Cannot pose a traffic hazard
- Cannot be placed on bridges, overpasses, tunnels or other highway structures
- Cannot be placed on Highway 19

Existing Regulation Conflicts

- No clear date when political signage can be placed on private property. Removal must be within seven days after the election.
- Political signs on public property must be removed 30 days after the election (under the Traffic and Highways Bylaw). The Sign Bylaw states that political signs must be removed within seven days after the election.
- Political signs on provincial rights of way must be removed one day after the election.

Options for Regulating Signs and Implications

- Local governments have the ability to regulate signs on public and private property provided freedom of expression rights are considered when it comes to limiting the number of signs or locations.
- Staff reviewed several local government political sign regulations and found a variety of approaches:
 - some are very restrictive (prohibit political signage on public property)
 - some are very permissive (signs allowed except where restricted for standard reasons such as sightlines or safety related to vehicles, cyclists, and pedestrians)
 - compromise approach (signs only permitted at specific locations, or limiting the number of signs per candidate)

Restricting Political Signage

- Placement of election signs is protected by the right to freedom of expression under Canadian Charter of Rights and Freedoms.
- A restriction on that freedom of expression must be justifiable as a reasonable limitation in order to be constitutional.
- Justification may include: safety concerns, driver distraction, environmental considerations, and costs associated with extraordinary enforcement.
- The bar is high for local governments when considering sign limits.

Restricting Political Signage

- The City of Surrey prohibits political signage on public property
- They were able to justify the restriction as they demonstrated that for years they had extraordinary bylaw enforcement costs associated with labour, equipment, disposal, and administration for illegal placement of more than 1,800 signs



Picture of signs seized in Surrey for signage bylaw violations. Photo taken by Janet Brown & Simon Little from Global News and posted on October 3, 2018

Restricting Political Signage

- To see if this would be an option for the City of Nanaimo, the Manager of Bylaw Services and staff from Engineering and Parks and Recreation were consulted.
- A review was undertaken for the 30-day period both before and after the 2018 election.
- Complaints received were primarily related to visual blight but were not placed illegally and did not pose a safety risk.
- Would be challenging to justify a complete restriction on public property.

Regulating Number of Signs or Locations

- Restrictions on limiting locations or number of signs must also be justified when limiting one's freedom of expression.
- Extraordinary enforcement costs and/or safety issues need to be factored into the decision making process if consideration is given to limiting the locations.
- Would not apply to highway rights of way or to private property.
- Limiting the number of signs per candidate based on affordability may not be a constitutionally acceptable reason to limit someone's freedom of expression

Regulating Number of Signs or Locations

- Environmental consideration would be an acceptable justification to consider limiting the number of signs per candidate as “Environmental Responsibility” is one of the strategic themes identified in Council’s Strategic Plan.
- A key area within that theme is to consider the environmental impact and climate change when making decisions.
- Considering restrictions to assist in limiting the amount of plastic, wood and metal utilized during sign construction would fall within that scope.



Temporary signs discarded from the 2018 election. Photo taken by Lauren Collins from the Surrey-Now Leader.

Regulating Sign Limitations

- Currently sign limits would not apply to Ministry rights of way despite being in municipal boundaries.
- This makes limiting the number of signs challenging given the most popular locations for placement are within highway rights of way.

Pine and Third
Wakesiah and Third
Bowen and Labieux
Wakesiah and Bowen
Departure Bay and Hammond Bay

Mostar and Island Hwy N (highway right of way)
Rutherford and Island Highway N (highway right of way)
Terminal and Island Hwy N (highway right of way)
Departure Bay and Island Hwy N (highway right of way)
Corner of Maffeo Sutton Park (highway right of way)
Pearson Park (highway right of way)
Turner and Island Hwy N (highway right of way)
Aulds and Island Hwy N (highway right of way)
Maki and Island Hwy S (highway right of way)
Cranberry and Island Hwy S (highway right of way)
Old Victoria Rd and Island Hwy S (highway right of way)

Regulating Sign Limitations

- MoTI policy staff are receptive to adding “MoTI highways within Nanaimo” to the list of election sign prohibitions to the Ministry’s Election and Referendum Signs and Posters Policy, subject to MoTI District staff approval.
- Recommend only consider pursuing limits as an option if the Ministry is supportive of prohibiting political signage in Provincial highway rights-of-way.
- If approval is granted, imposing limits would be more achievable.

Administrative & Enforcement Considerations

- If supported by Ministry and Council, candidates would file an application with the Corporate Officer and provide a map/list of proposed locations prior to placement.
- Enforcement would be done by the Province with assistance from Bylaw Enforcement staff through a Permission Agreement.

Size of Political Signs

Nanaimo's Current bylaw states:

- political signage is considered temporary.
- cannot exceed 0.6m² (6.5 ft.²) without a permit
- signs are not regulated on personal property
- signs are prohibited on billboards and rooftops

No staff recommendation to change this provision; however, should Council wish to consider changes to the new bylaw, direction from Council would be sought. Listed below are examples of other municipal signage size provisions:

0.6m ² (Coquitlam)	1.5 m ² (Pitt Meadows)
3m x 3m (Delta)	1.2m ² (Port Coquitlam)
3m ² (Maple Ridge)	3m ² (New Westminster)
2.5m ² (White Rock)	0.6m ² (Quesnel)
1.48 m ² (Penticton)	3m ² (Kelowna)
3m ² (Victoria)	2.97m ² (Campbell River)

Options for Moving Forward

- Due to conflicting bylaw provisions, staff is seeking approval to develop a new Political Signage Bylaw.
- A new bylaw would both simplify and add clarity to the regulatory framework that governs elections enabling a better understanding of election sign regulations by candidates, staff, and members of the public.

Recommendation No. 1

That the Governance and Priorities Committee recommend that Council direct staff to draft amendments to "Sign Bylaw 1987 No. 2850" and "Traffic and Highway Regulation Bylaw 1993 No. 5000" to remove references to political signage and incorporate the regulations into a single comprehensive Political Signage Bylaw."

Options for Moving Forward

- Should Council support recommendation number 1, staff is seeking support to have placement and removal dates for signs on public and private property that compliment the Ministry's Election and Referendum Signs and Posters Policy.

Recommendation No. 2

That the Governance and Priorities Committee recommend that Council include the following provision within the new Political Signage Bylaw:

"Election/political signage, as authorized by the Corporate Officer, may be placed on public or private property 30 days prior to an election or referendum and must be removed by the next working day following the electoral event."

Options for Moving Forward

- Council may wish to consider limiting the number of signs per candidate for environmental reasons if the Ministry is agreeable to adding the “MoTI highways within Nanaimo” to its prohibition list.
- If so, staff would be seeking direction on the sign limit 3(a)
- If Council does not wish to pursue limits on signs, Council should select recommendation 3(b) which is to continue with the status quo.

Recommendation No. 3

That the Governance and Priorities Committee recommend that Council:

- a) Include a provision in the political signage bylaw that that limits the number of election signs to (insert number of signs here) per candidate, subject to the Ministry of Transportation and Highways approval to include “MoTI highways within Nanaimo” to its prohibited list in the Election and Referendum Signs and Posters Policy; or*
- b) Retain the status quo of not limiting the number of political signs per candidate.*

QUESTIONS: