

DATE OF MEETING NOVEMBER 1, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT POLITICAL SIGNAGE REGULATION BYLAW

OVERVIEW

Purpose of Report

To present Council with a Political Signage Regulation Bylaw for consideration based on the direction provided by the Governance and Priorities Committee at its September 27, 2021 meeting.

Recommendations:

Political Signage Regulation Bylaw

That:

1. "Political Signage Regulation Bylaw 2021 No. 7335" (to govern the use of political signs within the City of Nanaimo) pass first reading;
2. "Political Signage Regulation Bylaw 2021 No. 7335" pass second reading; and
3. "Political Signage Regulation Bylaw 2021 No. 7335" pass third reading.

Traffic and Highways Amendment Bylaw

That:

1. "Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047" (to remove references to election signage) pass first reading;
2. "Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047" pass second reading;
3. "Traffic and Highways Regulation Amendment Bylaw 2021 No. 5000.047" pass third reading.

Sign Amendment Bylaw

That:

1. "Sign Amendment Bylaw 2021 No. 2850.23" (to remove references to political or campaign signs) pass first reading;
2. "Sign Amendment Bylaw 2021 No. 2850.23" pass second reading;
3. "Sign Amendment Bylaw 2021 No. 2850.23" pass third reading.

Bylaw Notice Enforcement Amendment Bylaw

That:

1. "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.14" (to assign fines associated with political sign violations) pass first reading;
2. "Bylaw Notice Enforcement Bylaw 2021 No. 7159.14" pass second reading;
3. "Bylaw Notice Enforcement Bylaw 2021 No. 7159.14" pass third reading.

BACKGROUND

At the September 27, 2021 Governance and Priorities Committee, staff provided an overview of how political signage is currently regulated and how the process may be streamlined going forward, which included information and implications on possible options for limiting the number of signs or locations (see Attachment 5 for copy of the staff report).

After considering the various options, the Committee recommended that Council retain the status quo of not limiting the number of political signs per candidate but that staff be directed to proceed with drafting amendments to the Sign Bylaw and Traffic and Highways Bylaw to remove references to political signage and incorporate the regulations into a single comprehensive Political Signage Regulation Bylaw. The Committee also recommended that a provision be included within the new bylaw that election/political signage 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. These recommendations were subsequently endorsed by Council at its October 4, 2021 Council meeting and staff is now bringing forward a new Political Signage Regulation Bylaw, and amendments to the Sign Bylaw, Traffic and Highways Bylaw, and Bylaw Notice Enforcement Bylaw, for Council's consideration.

DISCUSSION

As noted in the background section above, Council endorsed the recommendations from the September 27, 2021 Governance and Priorities Committee which authorized staff to proceed with drafting amendments to the Sign Bylaw (see Attachment 2) and Traffic and Highways Bylaw (see Attachment 3) to remove references to election/political signs and to incorporate the provisions within a new Political Signage Regulation Bylaw (see Attachment 1).

Political Signage Regulation Bylaw No. 7335

The comprehensive Political Signage Regulation Bylaw before Council both simplifies and adds clarity to the regulatory framework that governs election signs which will enable a better understanding of election sign regulations by candidates and members of public alike. For ease, the political sign regulations within the bylaw were divided by uses.

Section three highlights the regulations for placement of signs specific to City owned public property. It outlines the process required by candidates to place signs and stipulates the maximum size (which has not changed from the existing sign regulations). It also states where signs cannot be placed (i.e. parks, traffic circles, civic buildings, trees, utility poles, waste receptacles, or within 1 metre of a fire hydrant).

Section four outlines the regulations specific to sign placement on private property. That section states stipulates the maximum size for signs on private property and states that signs can only be placed on private property with consent by the owner or occupant of the property.

Section five relates to placement of signs within Provincial rights of way which points to the Ministry of Transportation and Highways Election and Referendum Signs and Poster Policy regulations. For convenience, a map is also attached to identify which are Provincial highway rights of way vs. City of Nanaimo roads.

Section six outlines the regulations that relate to all land uses which state that all signs must: comply with the applicable Provincial and Federal Statutes, Orders or Regulations; are not unsightly, illuminated or placed on roof tops; are not placed within 100m of a voting station; not placed in a manner that may constitute a hazards to pedestrians, cyclists, or vehicles; and not displayed more than 30 days prior to the General Voting Day, by-election, or assent voting, and are removed by the next business day following the event. Political billboard signs are also prohibited.

Section seven outlines the Candidate's responsibilities which includes ensuring that no damage occurs to City property or infrastructure and section eight outlines the violation and penalty provisions which are standard within all City regulatory bylaws.

Sign Amendment Bylaw No. 2850.23

The proposed amendment to the Sign Bylaw will remove the following section (6) which outlines the provisions related to political or campaign signs on private property:

- (6) *Political or campaign signs erected on private property on behalf of candidates for public office or measures on election ballots provided that such signs are removed within 7 days after the election or referendum. Similar signs erected on public property must be erected in conformance with the City of Nanaimo "TRAFFIC AND HIGHWAYS BYLAW 1993 No. 5000" and all amendments thereto.*

Traffic & Highways Amendment Bylaw No. 5000.047

The proposed amendment to the Traffic and Highways Bylaw will delete the word "Election" from the index and the following section 23 which outlines the provisions for political campaign or charitable organization signs. It should be noted charitable signs are also identified as a use within the Sign Bylaw that does not require a permit, so removing section 23 in its entirety will also streamline the regulations for charitable organization signs.

23. Posting of Signs

Political campaign or charitable organization signs may be exhibited adjacent to any highway, upon approval of the Corporate Officer, provided that:

- (a) *the organization or political party posting or exhibiting them has filed a written undertaking with the Corporate Officer stating the signs will be removed prior to a date not more than 30 days from the date of the referendum or election;*
- (b) *the person or political party posting or exhibiting the signs has filed with the Corporate Officer, security in the amount of \$200.00 in the form of cash or certified cheque, that he will remove all such signage prior to the date specified under (a);*
- (c) *the signage is not erected on highway medians or affixed to utility poles or trees or in any manner which obstructs the free passage or visibility of pedestrians or traffic.*

Bylaw Notice Enforcement Amendment Bylaw No. 7159.14

The last bylaw before Council is an amendment to the Bylaw Notice Enforcement Bylaw which assigns fines to the City's regulatory bylaws. Should Council give first three readings to the above noted bylaws, amendments will be required to remove the fines associated with political signs in the Traffic and Highways Bylaw and Sign bylaw and assign fines for violations

associated with the new Political Sign Regulation Bylaw. It should be noted that it would be rare to ever issue a ticket for political sign violations as Bylaw Enforcement Officers (through the Political Sign Regulation Bylaw) would have the authority to remove unlawfully placed signs; however, in cases where Bylaw Enforcement Officers might encounter repeated violations, having the option available to ticket could be a deterrent.

OPTIONS

Option 1:

Political Signage Regulation Bylaw

That:

1. "Political Signage Regulation Bylaw 2021 No. 7335" (to govern the use of political signs within the City of Nanaimo) pass first reading;
2. "Political Signage Regulation Bylaw 2021 No. 7335" pass second reading; and
3. "Political Signage Regulation Bylaw 2021 No. 7335" pass third reading.

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1. "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.14" (to assign fines associated with political sign violations) pass first reading;
2. "Bylaw Notice Enforcement Bylaw 2021 No. 7159.14" pass second reading;
3. "Bylaw Notice Enforcement Bylaw 2021 No. 7159.14" pass third reading.

The bylaws before Council through Option 1 have been drafted based on direction provided by the Governance and Priorities Committee at its September 27, 2021 meeting, and subsequently endorsed by Council on October 4, 2021.

The advantage to this option is that having one comprehensive Political Signage Regulation Bylaw with consistent regulations for political signage will provide clearer direction to candidates and members of the public, and for staff when administering the bylaw.

Not addressing the inconsistencies will continue to cause issues with interpretation of the regulations.

Option 2:

Should Council wish to amend any provision outlined in the Political Sign Regulation Bylaw, Council direction would be sought.

SUMMARY POINTS

- Council requested an overview of how political signage is currently regulated and how the process may be streamlined going forward including information and implications on possible options for limiting the number of signs or locations.
- Staff presented its findings to the Governance and Priorities Committee meeting on September 27, 2021.
- The recommendations to authorize staff to retain the status quo of not limiting the number of political signs per candidate and proceed with drafting amendments to the Sign Bylaw and Traffic and Highways Bylaw to remove references to election/political signs and incorporate the provisions within a new Political Signage Regulation Bylaw were ratified by Council on October 4, 2021.
- The bylaws based on Council's direction are before Council for consideration.

ATTACHMENTS:

Attachment 1 - B7335 – Political Signage Regulation Bylaw

Attachment 2 - B2850.23 – Sign Amendment Bylaw

Attachment 3 - B5000.047 – Traffic & Highways Amendment Bylaw

Attachment 4 - B7159.14 – Bylaw Notice Enforcement Amendment Bylaw – Political Sign Fines

Attachment 5 - RPT_GPC20210927 - Political Signage Regulations Staff Report

Submitted by:

Karen Robertson,
Deputy City Clerk

Concurrence by:

Sheila Gurrie, Director of Legislative Services
Dave LaBerge, Manager of Bylaw Services
Bill Corsan, Director, Community Development
Dale Lindsay, GM, Development Services
Bill Sims, GM, Engineering & Public Works