

CITY OF NANAIMO
BYLAW NO. 7335
POLITICAL SIGNAGE REGULATION BYLAW

WHEREAS under the *Local Government Act*, Council may, by bylaw, regulate political signage within the City of Nanaimo;

AND WHEREAS Council wishes to establish regulations under that authority;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled, enacts as follows:

1. TITLE:

This Bylaw may be cited for all purposes as “POLITICAL SIGNAGE REGULATION BYLAW 2021 NO. 7335.”

2. DEFINITIONS:

“Candidate”	Means a person who is a candidate for election pursuant to the <i>Local Government Act</i> , the <i>School Act (BC)</i> , the <i>Election Act (BC)</i> , or the <i>Canada Elections Act</i> , or a person represented as a candidate on a political sign.
“Candidate Representative”	Means a person who is appointed by a candidate as a candidate representative for the purposes of the <i>Local Government Act</i> , the <i>School Act (BC)</i> , <i>Election Act (BC)</i> , or the <i>Canada Elections Act</i> .
“City”	Means the City of Nanaimo
“General Voting Day”	Means ‘general voting day’ under the <i>Local Government Act</i> , <i>School Act (BC)</i> or <i>Election Act (BC)</i> , or ‘polling day’ under the <i>Canada Elections Act</i> or whichever is applicable.
“Park”	Means play areas, play lots, play grounds, 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.
“Political Sign”	Means a temporary sign(s) that pertains to an election by the voters in the City of Nanaimo for City Council, School Board, Provincial or Federal Government, or assent voting.

3. Placement on City Owned Public Property

- 3.1 Prior to posting or exhibiting Political Signs on City owned public property, the Candidate or Candidate’s Representative must:
- file a written undertaking with the Corporate Officer stating that all Political Signs will be removed by the next working day following the General Voting Day or assent voting or by-election; and
 - Provide a security deposit in the amount of \$200.00 in the form of cash, certified cheque, credit card or debit card, to be refunded once confirmation has provided that signs have been removed by the date specified under (a).

- 3.2 Each Political Sign placed on City owned public property shall have the name and phone number of the Candidate or Candidate Representative located on the sign in a legible manner.
- 3.3 Political Signs cannot exceed 0.6m² (6.5 ft²).
- 3.4 No Political Signs shall be placed:
- (a) on a highway meridian, traffic circle or roundabouts, or in a Park;
 - (b) on or in civic buildings owned or leased by the City such as municipal hall, libraries, fire halls, museums, or similar facilities;
 - (c) on any tree, planter, utility pole, waste receptacle, newspaper box, or mail box located on City-owned land; or
 - (d) within 1 metre of a fire hydrant.
- 3.5 Political Signs shall be placed further from the road than standard road signs.

4. Placement on Private Property

- 4.1 Political Signs on private property:
- (a) cannot exceed 0.4m² (4 ft.²); and
 - (b) may only be placed with the consent of the owner or occupant of the property.

5. Placement within Provincial Rights of Way

- 5.1 In addition to the provisions contained within this Bylaw, Political Signage placed within Provincial highway rights of way (as outlined on Schedule "A" to this bylaw) must also adhere to the Ministry of Transportation and Highways Election and Referendum Signs and Poster Policy regulations.

6. For all Land Uses

- 6.1 Political Signs are permitted provided they:
- (a) comply with provisions of the *Local Government Act*, *Local Elections Campaign Financing Act*, *Motor Vehicle Act*, *Transportation Act*, and any other applicable Provincial or Federal statutes, orders or regulations relating thereto;
 - (b) pertain to an election, by-election, or assent voting being conducted within the municipal boundaries of the City of Nanaimo;
 - (c) are not illuminated;
 - (d) are no closer than 0.3m in any direction to any other sign;
 - (e) are 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 after the conclusion of General Voting Day, by-election, or assent voting;
 - (f) do not obstruct, simulate, or detract from any traffic control device;
 - (g) are not placed in a manner that may constitute a hazard to pedestrians, cyclists, or vehicles;
 - (h) are not unsightly or dilapidated;
 - (i) are not placed on a roof top; and
 - (j) are not placed within 100m of a voting station.
- 6.2 Political billboard signs are prohibited.

7. Candidate Responsibility

- 7.1 It is the responsibility of each Candidate and elector organization who places Political Signs in the City to ensure compliance with this Bylaw.
- 7.2 It is the responsibility of each Candidate and elector organization to ensure there is no damage to City of Nanaimo property or infrastructure, and if there is damage, the Candidate or elector organization will be responsible for the cost of repairs.

8. Violation and Penalty

- 8.1 The Bylaw Enforcement Officer, or their designate, may remove any Political Sign that the Bylaw Enforcement Officer has reasonable grounds to believe is placed or installed in contravention of municipal Bylaws.
- 8.2 Political Signs that have been removed in accordance with section 8.1 above will be stored for a period of four (4) days and the Candidate or their Representative may claim the Political Sign(s) during that period, following which the material may be destroyed or otherwise disposed of by the City. The Candidate or their Representative will be notified of the compliance issue with the Political Sign and where the Political Sign can be claimed.
- 8.3 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter and Offence Act*.
- 8.4 Where an offence under this Bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.
- 8.5 Section 8.3 shall not prevent the City, or an authorized Person on behalf of the City, issuing and enforcing a bylaw notice under the City's Bylaw Notice Enforcement Bylaw.

9. Severability

If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

PASSED FIRST READING: _____
PASSED SECOND READING: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

