

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 28, 2014

Item 2, Report No. 4, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on January 28, 2014.

2 ELECTION SIGN BY-LAW REVIEW AND COMPLIANCE STRATEGY

The Committee of the Whole (Working Session) recommends:

- 1) That staff be requested to give notice, in accordance with the City's Notice By-law, of consideration of a committee report to incorporate the following election sign modifications to the Sign By-law:
 1. That the maximum sign size be 1.49 square meters;
 2. That the amount of time prior to the election in which election signs can be erected be 6 weeks;
 3. That the time of removal of the signs following the election be 72 hours;
 4. That one sign, per candidate, be permitted on each private property;
- 2) That the report of the Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated January 21, 2014, be received;
- 3) That Communication C5, presentation material entitled, "*Election Signs Sign By-law #203-92, as amended*", be received; and
- 4) That the following deputations be received:
 1. Mr. David Schenck, Mira Vista Place, Woodbridge;
 2. Mr. Styles Q. Weinberg, Pinecone Circle, Concord; and
 3. Mr. Ian Fraser, King Vaughan Road, Vaughan.

Recommendation

The Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

1. That this Report be received for information; and
2. That Council direct staff if any changes to the existing election sign regulations are desirable based on the information provided in this Report.

Contribution to Sustainability

Review of existing by-laws for relevance and suitability to community growth, needs and expectations supports and promotes the City's vision of pursuit of excellence in service delivery, enhances community safety and well-being, demonstrates leadership and promotes effective governance.

Economic Impact

Education, public awareness and ensuring compliance of new/additional regulations for election signs, if any, for the 2014 Election will require commitment of resources, including increased attention of By-law & Compliance Department staff.

Communications Plan

By-law & Compliance staff will partner with City Clerk's Department to ensure that any amendments to the election sign regulations are accurately reflected in communications and

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information being shared with the public and registered candidates. City staff will communicate any amendments through various communication methods, including use of social media and City's website.

Purpose

The purpose of this Report is to:

1. Respond to Council's direction from its meeting of June 26, 2012 (Report No. 25, Item 5 – Attachment #1) regarding election signs;
2. Provide an update on negotiations and improved partnerships with the Regional Municipality of York ("the Region") regarding harmonization of election sign by-laws and enforcement; and
3. Communicate the enforcement strategy for the upcoming 2014 Municipal Election.

Background - Analysis and Options:

At its meeting of June 26, 2012, City Council adopted, without amendment, the recommendation of the Committee of the Whole, directing staff to:

- A. Negotiate with the Region of York, with the objective of harmonizing the related by-laws and enforcement, with respect to election signs;
- B. Bring back a report with options on how to improve enforcement, in order to provide a level playing field; and
- C. Hold a forum with past candidates, residents and regional staff to discuss election sign issues, including size, and report back with recommendations for Council's consideration.

A. Harmonization with Region:

In August 2013, staff from the City's By-law & Compliance Department initiated discussions with the Region to explore harmonization of the regulatory requirements and enforcement of the Sign By-law related to election signage, with a focus on relevance, suitability and development of fair and equitable regulation. City staff have partnered with the Region to expand this comparative review to include all municipalities across York Region. Further meetings are being scheduled to continue discussions and begin this broader initiative.

As part of the overall By-law Strategy currently being developed by the By-law & Compliance Department, the Director of By-law and Compliance has initiated the creation of a Director's Working Group, to be comprised of the appropriate Directors from each municipality across the Region. The intended purpose of the Working Group is to establish a quarterly meeting forum for improved information sharing and communication regarding issues having Regional implications, harmonization of by-laws, development of consistent compliance policies and to allow for collaborative discussions regarding any other topics of mutual interest. The first meeting of the Working Group is planned for March 2014 (at Vaughan City Hall).

B. Enhanced Enforcement & Compliance Strategy:

As with other sign related enforcement activities, By-law & Compliance staff proactively patrol the City's road allowances and respond to incoming complaints regarding violations of the Sign By-law, Section 4.1 - Election Signs, including but not limited to improperly placed signs. Signs erected contrary to the By-law are acted upon in accordance with the authority prescribed within the City's Sign By-law, including the issuance of a notice of violation for signs located on private property and removal from all public property.

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Election signs are removed and stored for a period of no more than 30 days and can be returned to a candidate at no charge, upon their request. Removal of signs from Regional roads is undertaken by York Region Road Maintenance Department staff. The Region dedicates two staff for this purpose. The City does not provide removal services or enforcement regarding signs on Regional roads, but responds accordingly to any call of a potentially unsafe situation.

During the 2010 election year, 9,492 improperly erected election signs were removed from City roads by City staff and an additional 6,005 signs removed from Regional roads by the York Region staff, totaling 15,497 confiscated signs.

To address service demands, including responding to complaint calls and attendance at polling stations on Election Day, significant resources are traditionally dedicated. During the 2010 election, four full-time enforcement officers were dedicated to election sign enforcement activities, in addition to the scheduling of one day per week where all on duty officers were deployed to focus solely on activities relating to unlawful election signs.

For the 2014 Election, the following compliance strategy will be implemented in order to ensure a greater consistency in service delivery to the public and intended to provide a level playing field for all candidates:

- Improved information sharing and collaboration of sign removal activities with York Region Road Maintenance staff.
- Coordinated deployment and scheduling of City and Regional resources for more equitable attention to illegal signs found on both City and Regional Roads, wherever possible.
- Partnership with Access Vaughan to provide improved service and more timely access to related information and initiation of calls for service from the public.
- Election sign calls for service (complaints) will be dispatched to enforcement officers in the field for attention and resolution.
- Dedication of five full-time enforcement officers, including an identified staff member to provide a singular point of contact, resulting in improved coordination and effective communication between the City and the Region.
- Additional resources will be deployed to accommodate increasing demands normally realized as campaigning increases in intensity, including dedication of all on duty enforcement officers during specified times/dates.
- Dedicated supervisor(s) will be assigned to oversee activities of staff. Election sign service demands will be assessed periodically in an attempt to ensure adequate resource allocation is maintained in support of expected service delivery being provided efficiently, fairly and impartially.
- Signs subject to removal will be documented and stored at a centralized location (to be determined) for a period of not more than 30 days in accordance with the City of Vaughan's Sign By-law 203-92. Retrieval of signs will be accommodated by appointment only, upon request of the candidate.

As reflected in historical data relating to election sign removals from 2010, the By-law & Compliance Department experiences an extreme surge in service demands during peak election periods as time draws closer to Election Day. Although staff believes that the enhanced approach described above will offer an improved level of service, anticipated demands are expected to exceed the Department's resource capabilities, leading to unavoidable delays in enforcement attention and resolution.

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C. Public Consultation:

On November 21, 2013, City staff held a public consultation meeting at City Hall. The meeting objective was to solicit public input regarding key components of the election sign portion of the City's and the Region's Sign By-laws, including but not limited to key themes such as size, placement, duration of time a sign can remain, use of private and municipal property and the use of City and Regional roads. In addition, the past candidates from the 2010 Election were extended an invitation to encourage their participation in an open public forum. The meeting included the participation of a representative from the Regional Municipality of York's Road Maintenance Department responsible for elections signs on Regional roads.

The result of the public consultation meeting further confirmed staff's beliefs regarding the key sections of the current By-law requiring review. The key issues of interest identified included considerations of size, placement, creation of dedicated locations on road allowances, use of municipal property (eg: Community Centres) and the duration of time relating to when a sign may be erected and remain, following Election Day.

During the consultative process, questions arose regarding rationale for establishing the time of when an election sign may be erected. Within the City of Vaughan, the established time in which election signs may be erected is 2:00 pm following the close of nominations, as prescribed by the City's Sign By-law. Adoption of this regulation was as a result of the decision of Council at its meeting of April 14, 2009 (Item 1, Report No. 17) following a 2007 Court challenge regarding the length of time that election signs could be posted (Heard at Newmarket Ontario Superior Court of Justice on September 13, 2007 – Case CV-07-085865-00 *Shurman v. Vaughan [City]*).

Following staff's presentation at the public consultation, additional questions and proposed possible changes were raised for consideration. The tables below identify the key topics, possible options and provide a cursory analysis including possible benefits and challenges for consideration.

SIGN SIZE		
Options	1. Establish a consistent sign size for all municipalities within the Region	2. Amend Vaughan Sign By-Law reducing size of sign to mirror Regional By-law (from 5 sq. m to 1.49 sq. m.)
Benefits	<ul style="list-style-type: none">• Clear regulations• Clear for candidates• Simplified enforcement	<ul style="list-style-type: none">• Simplified enforcement• Clear for candidates• Consistent with Regional Roads
Challenges	<ul style="list-style-type: none">• Harmonizing by-laws will require consensus amongst all municipalities	<ul style="list-style-type: none">• Limits the size of sign for candidates who wish to invest in larger signage
Expected Results	<ul style="list-style-type: none">• Consistent regulations within all Regional Municipalities	<ul style="list-style-type: none">• Consistent regulations within the City

PLACEMENT OF SIGNS		
Options	1. Regulating distance between signs	2. Not regulating distance between signs (Current Vaughan By-law Standard)
Benefits	<ul style="list-style-type: none">• Deters multiple signs erected in close proximity to one another• Limits the number of signs in any one area	<ul style="list-style-type: none">• Simplified enforcement
Challenges	<ul style="list-style-type: none">• Increased demands on enforcement resources	<ul style="list-style-type: none">• Proliferation of signs• Candidate signs obstructed by one another

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Expected Results	<ul style="list-style-type: none"> • Intended to reduce the overall number of signs displayed at any one location • Intended to deter obstruction of candidate's signs, by another candidate • Difficult to enforce • Impact service delivery 	<ul style="list-style-type: none"> • No additional impact on current resources
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USE OF PUBLIC PROPERTY – ROAD ALLOWANCE		
Options	1. Permit use of City Road Allowance	2. Do Not permit use of City Road Allowance (Current Vaughan By-law Standard)
Benefits	<ul style="list-style-type: none"> • Increases options for candidates 	<ul style="list-style-type: none"> • Clear regulations • Clear for candidates • Simplified enforcement
Challenges	<ul style="list-style-type: none"> • Increased demands on enforcement resources • Increased costs • Time consuming 	<ul style="list-style-type: none"> • Proliferation of unlawful signs • Storage of confiscated signs
Expected Results	<ul style="list-style-type: none"> • Difficult to regulate and ensure compliance • Impact on service delivery 	<ul style="list-style-type: none"> • Simplified enforcement

USE OF MUNICIPAL PROPERTY – eg. Community Centres		
Options	1. Permit the use of designated areas at Community Centre Properties	2. Not permit the use of Community Centre Properties (Current Vaughan By-law Standard)
Benefits	<ul style="list-style-type: none"> • Increases options for candidates 	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement
Challenges	<ul style="list-style-type: none"> • Increased demands on resources • Increased costs • Time consuming 	<ul style="list-style-type: none"> • Limits options for candidates • Community Centres are selected for Polling Stations by the City Clerk
Expected Results	<ul style="list-style-type: none"> • Proliferation of signs • Difficult to regulate and ensure compliance • Impact to service delivery 	<ul style="list-style-type: none"> • Simplified enforcement

DAYLIGHT TRIANGLES		
Options	1. Delineate permitted areas at each Intersection across the Region	2. Harmonize all sight line triangles for all roadways, establishing one distance requirement
Benefits	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement 	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement
Challenges	<ul style="list-style-type: none"> • Increased demands on resources (City & Region) • Increased cost • Time consuming • On-going maintenance 	<ul style="list-style-type: none"> • More restrictive for candidates

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Expected Results	<ul style="list-style-type: none"> • Clear indication of where a sign may be placed • Implementation across the City (and/or Region) would require dedicated time, resources and appropriate funding 	<ul style="list-style-type: none"> • Reduction in proliferation of signs at intersections • Consistency • Unobstructed sight lines for vehicular and pedestrian traffic
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PROSECUTION / REMOVAL OF SIGNS		
Options	1. Prosecute for Violations	2. Removal and disposal of signs (no requirement to store signs)
Benefits	<ul style="list-style-type: none"> • Consistent • Deter violations 	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement • No storage requirements • Deter placing of unlawful signs on public property – road allowances
Challenges	<ul style="list-style-type: none"> • Expensive to manage/prosecute • Time consuming • Increased demands on resources (Enforcement, Regional Prosecutions and Regional Courts) 	<ul style="list-style-type: none"> • Candidates will incur additional costs to replace confiscated signs
Expected Results	<ul style="list-style-type: none"> • Enforcement, legal and Court resource inefficiencies 	<ul style="list-style-type: none"> • Reduction in proliferation of unlawful signs • Reduction in service demands

VARYING BY-LAWS BETWEEN MUNICIPALITIES WITHIN YORK REGION		
Options	1. Harmonized By-laws	2. Harmonize Vaughan's By-law with the Region (only)
Benefits	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement 	<ul style="list-style-type: none"> • Clearer regulations • Clearer for candidates • Simplified enforcement
Challenges	<ul style="list-style-type: none"> • Harmonizing by-laws will require consensus amongst all municipalities & the Region • Time consuming • Requires dedication of resources 	<ul style="list-style-type: none"> • Harmonizing by-laws will require consensus from the Region • Time consuming • Requires dedication of resources
Expected Results	<ul style="list-style-type: none"> • Consistent regulations within all Regional Municipalities 	<ul style="list-style-type: none"> • Consistent regulations across the City

D. How Vaughan Compares – Municipal Comparative:

By-law & Compliance staff undertook a cursory comparative study of other municipalities' sign by-laws (Attachment #2). Although regulatory differences were identified between the City of Vaughan, the Region and other municipalities, the data collected reflected that municipalities' sign by-laws share common themes such as the regulation of size, placement, use of road allowances, timing in which a sign can be erected and remain following Election Day.

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In its current state, the City of Vaughan's Sign By-law as it relates to the election sign section appears comparable with other municipalities including regulating similar requirements. Although more permissive in some areas, such as larger sign size and no fees associated with removal and retrieval, it is more restrictive in others, such as not being permitted on public property (road allowances) and prescribing a maximum of 48 hours to remove signs following Election Day.

The intended purpose of reviewing the current By-law, partnering with the Region and sister municipalities, is to explore opportunities to harmonize the by-laws where possible and to establish a consistent, fair and equitable public environment for future elections.

Relationship to Vaughan Vision 2020/Strategic Plan

The analysis being undertaken by staff to review the regulations regarding election signs across the Region and the approach outlined within this Report, including but not limited to, forging strong partnerships with the Region and other regional municipalities, are directly aligned with the City's strategy of citizens first through service excellence. By exploring opportunities to harmonize existing regulatory by-laws, City staff are further promoting a designed interest in service excellence and effective governance across the Region.

Regional Implications

Staff believe harmonization of sign by-laws will support more effective governance and equality for the public across the Region.

Conclusion

City staff believe that, although there are regulatory differences prescribed within existing sign by-laws governing election signs between the City of Vaughan, the Region and other municipalities, the data collected determined that municipalities share some common themes such as regulation of size, placement, timing of erection and duration of time a sign can remain.

Attachments

1. Excerpt of Minutes from Meeting of City Council June 26, 2012 (Report #25, Item 5 – Election Signs);
2. Municipal Comparative Chart

Report prepared by:

Gus Michaels, Director
By-Law & Compliance Department

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)