



The Corporation of the
City of Sault Ste. Marie

COUNCIL REPORT

April 29, 2025

TO: Mayor Matthew Shoemaker and Members of City Council
AUTHOR: Rachel Tyczinski, City Clerk and Melanie Borowicz-Sibenik,
Assistant City Solicitor/Senior Litigation Counsel
DEPARTMENT: Corporate Services
RE: Regulating Election Signage

Purpose

The purpose of this report is to recommend regulations regarding the placement of election signage (municipal, provincial, and federal) in the City of Sault Ste. Marie.

Background

The following resolution was passed on January 9, 2023:

*Moved by: Councillor S. Hollingsworth
Seconded by: Councillor S. Spina*

Whereas election signs educate or promote candidates in municipal, provincial and federal elections (including school board trustees); and

Whereas a number of candidates use other means such as social media, media partners and so forth to advertise themselves and their platforms; and

Whereas the City of Sault Ste. Marie has a by-law that states where election signs can be placed, rules on removal; however, it fails to outline a limit on the number that can be posted within the community;

Now Therefore Be It Resolved that staff be requested to review other municipal by-laws, specifically to limiting the number of signs used and the imposition of election sign permits and report back with a recommendation regarding a new election sign by-law for municipal, provincial and federal elections (including school board and/or other type of elections).

Election signs are exempt from the current signs By-law 2017-35.

By-law 2002-16 regulates *municipal* election signs such that:

- No election sign shall be placed, posted or displayed on any municipal property until 45 days prior to voting day;

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- Election signs placed, posted or displayed on any municipal property must not create a hazard to vehicular or pedestrian traffic;
- Election signs on any municipal property must be removed within 72 hours after the completion of voting on voting day.

The City receives numerous complaints regarding election signs on public property during municipal, provincial, and federal election cycles. Complaints are more acute when an election cycle falls during winter months (signs on snowbanks, lines of sight, etc.) There are also issues with election signs not being removed from public property after voting day. Removal of election signs creates an additional burden for Public Works.

Analysis

The display of election signs is an activity protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the “Charter”):

“Everyone has the following fundamental freedoms:

- b. freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”

In Canada, Courts have interpreted Section 2(b) of the Charter very broadly. As such, while municipalities are entitled to pass by-laws regulating signs under the *Municipal Act, 2001*, attempts to regulate the display of election signs would be considered a breach of Section 2(b) of the Charter. An analysis under Section 1 of the Charter would then follow to see if the “limit” is justifiable in a free and democratic society.

In such cases, the government has the onus or burden of proof to establish on a “balance of probabilities” that the breach is justifiable.

As such, the City may enact a by-law that regulates signs. Other municipalities have done so, as is set out below. However, a total prohibition on a form of expression will be more difficult to justify than a partial prohibition. Furthermore, the requirements set out in the By-law must be “rationally connected” to the issues that the respective municipality needs to address, including:

- Establishing appropriate locations and sizes of signs to minimize safety hazards to life and property;
- Reducing safety hazards to both pedestrian and vehicular traffic;
- Creating a fair and equitable process to ensure requirements are met – equal opportunities; and/or
- Reducing the potential for the creation of visual clutter on the streets.

The City of London does not allow election signs on public property or within a park. Thunder Bay, Kingston, St. Catharines, Gravenhurst, Bracebridge, Huntsville, Sarnia, and Hamilton do not allow election signs on public property. The City of Guelph does not allow election signs on public property, property owned by the Province of Ontario, or within a park.

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Some municipalities allow election signs on boulevards between the sidewalk and private property line or between the roadway and private property line where there is no sidewalk. This approach is recommended so that enforcement staff would not be required to determine property line locations.

Staff recommends prohibiting election signs on public property and within parks to reduce safety hazards to pedestrian and vehicular traffic and potential visual clutter.

Financial Implications

There may be some financial implications related to the removal of election signs placed on public property.

Strategic Plan / Policy Impact / Climate Impact

This is an operational matter not articulated in the corporate Strategic Plan.

There is no climate impact except visual blight and the construction and disposition of election signs.

Recommendation

It is therefore recommended that Council take the following action:

Resolved that the report of the City Clerk dated April 29, 2025 concerning Regulating Election Signs be received and that the Legal Department be requested to prepare a by-law prohibiting election signs on public property, including parks; such by-law also to include a prohibition of illuminated or flashing signs.

Respectfully submitted,

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