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**Subject:** Graphic Images in the Public Right of Way Update

**Report to:** Corporate Services Committee

**Report date:** Wednesday, November 6, 2024

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## Recommendations

1. That this report **BE RECEIVED** for information.

## Key Facts

- On March 6, 2024, Corporate Services Committee (CSC) passed motion CSC-C 5-2024 directing the Office of the Deputy CAO to provide a report detailing options to govern the display of graphic images in the public right of way.
- On July 10, 2024, report CSD 35-2024 Graphic Images in the Public Right of Way was received by CSC and referred to the Women’s Advisory Committee for information.
- Report CSD 35-2024 outlined governance options currently available to Council, detailed legal considerations and provided a jurisdictional scan of by-laws implemented by other municipalities.
- While the jurisdictional scan, as attached in Appendix 1, found that no upper-tier municipality had a graphic images provision in their signage by-law, many single and lower-tier municipalities were actively exploring governance options.
- Given the emerging nature of the topic, report CSD 35-2024 confirmed staff would monitor by-law developments for the purposes of providing Council with an update.
- Since CSD 35-2024 was received, no upper-tier municipality has enacted a graphic images provision in their signage by-law. Additionally, some of the single and lower-tier municipalities that were exploring governance options have received updated direction from Council, as detailed in the analysis section.
- There have been no changes regarding provincial legislation governing the display and/or delivery of graphic images. A second reading for Bill 80, *Viewers Discretion Act* has not yet been scheduled. If passed, the Act would impose controls on mail delivery of graphic images showing an aborted or otherwise non-viable fetus.

## Analysis

### Jurisdictional Scan

The below chart details which municipalities have received updated Council direction regarding by-law development to restrict the display of graphic images in the public right of way since report CSD 35-2024 was received. While some single and lower-tier municipalities continue to explore options, others have repealed pre-existing by-laws or have ceased moving forward with by-law development. As reported in the CSD 35-2024 jurisdictional scan, attached as Appendix 1, currently no municipal government in Ontario has implemented a by-law specifically governing the display of graphic images in the public right of way.

### Jurisdictional Scan: Status Update on Ontario Municipal By-laws Restricting the Display and/or Delivery of Graphic Images

#### Exploring By-law Options to Ban the Display of Graphic Signs

Municipality	Update
City of Hamilton	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>
City of London	<p><b>July 15, 2024</b> – A draft by-law was brought to Community and Protective Services Committee (CPSC), which recommended enforcing general rules for any advocacy signage related to location (prohibited on sidewalks and within 3 metres of a cross walk) and size (no larger than 2.5 by 3 feet). CPSC recommended that public engagement take place for the proposed by-law.</p> <p><b>July 23, 2024</b> – Council directed staff to cease moving forward with developing a by-law to restrict advocacy messaging following a closed session report.</p>
Town of Oakville	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>

### By-laws Restricting Advocacy Messaging

Municipality	Update
City of Toronto	<p><b>April 30, 2024</b> – Economic and Community Development Committee passed a motion referring the item back to staff requesting that the matter of graphic images be decoupled from the placement of advocacy signs. The motion also requested that staff update the report to include a list of all cities that have passed by-laws related to graphic images, as well as those currently contemplating by-laws.</p>

### By-laws Restricting the Delivery of Graphic Images

Municipality	Update
City of St. Catharines	<p><b>August 12, 2024</b> - In response to a legal challenge raised by ARPA Canada, a motion was passed repealing By-law 2023-150 and directing staff to report back with empirical evidence, social science studies and statistics about the impacts of graphic images on residents to form the introduction of a revised by-law.</p>
City of London	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>
City of Woodstock	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>
City of Burlington	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>
Town of Ingersoll	<ul style="list-style-type: none"> <li>• No updates from CSD 35-2024</li> </ul>

### Relationship to Council Strategic Priorities

Exploring best practices related to the display of graphic images in the public right of way is consistent with Council’s 2023-2026 strategic priority focus of creating an equitable Region. Specifically, it supports creating safe and inclusive communities.

## Other Pertinent Reports

- [CSD 35-2024 Graphic Images in the Public Right of Way](#)

(<https://pub-niagararegion.escribemeetings.com/Meeting.aspx?Id=14edeaeb-448c-43b0-ade1-9c40f80c15d1&Agenda=Agenda&lang=English&Item=16&Tab=attachments>)

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**Prepared by:**

Rachael Ball-Condron  
Government Relations Specialist

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**Approved by:**

Michelle Sergi  
Deputy Chief Administrative Officer

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**Submitted by:**

Ron Tripp, P. Eng  
Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director of Legal Court Services and Angelo Apfelbaum, Manager of Business Licensing.

## Appendices

Appendix 1 Jurisdictional Scan: Municipal By-laws Restricting the Display and/or Delivery of Graphic Images