
Subject: Graphic Images in the Public Right of Way Update

Report to: Corporate Services Committee

Report date: Wednesday, November 6, 2024

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 While some single and lower-tier municipalities continue to explore options, others have repealed pre-existing by-laws or have ceased moving forward with by-law development.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"> • No updates from CSD 35-2024 |
| City of London | <p>July 15, 2024 – 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>July 23, 2024 – 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"> • No updates from CSD 35-2024 |

By-laws Restricting Advocacy Messaging

| Municipality | Update |
|-----------------|--|
| City of Toronto | April 30, 2024 – 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. |

By-laws Restricting the Delivery of Graphic Images

| Municipality | Update |
|------------------------|---|
| City of St. Catharines | August 12, 2024 - 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. |
| City of London | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| City of Woodstock | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| City of Burlington | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |
| Town of Ingersoll | <ul style="list-style-type: none"> • No updates from CSD 35-2024 |

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>)

Prepared by:

Rachael Ball-Condron
Government Relations Specialist

Approved by:

Michelle Sergi
Deputy Chief Administrative Officer

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.

CSD 35-2024 Jurisdictional Scan: Municipal By-laws Restricting the Display and/or Delivery of Graphic Images

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

| Jurisdiction | Status |
|------------------|---|
| City of Toronto | April 30, 2024 - The Economic and Community Development Committee received report EC12.7 for information. Staff recommended that residents prevent the unsolicited delivery of graphic flyers by using mechanisms already available to them, such as displaying a no flyer sign on mailboxes. Further, the City will amended their signage by-law to generally prohibit temporary signs with advocacy messaging in the public right of way. Signs may be placed on private property, encroaching only as necessary onto public property with limitations (no larger than 1.2 square meters with 2 sign faces, no more than 3 signs, cannot be within 0.60 metres of a sidewalk, distance restrictions regarding intersections and pedestrian crossovers on collector roads, arterial roads and local roads). |
| City of London | March 5, 2024 - Council directed staff to bring forward a by-law to the Community and Protective Services Committee that would ban graphic signs from public display by end of Q2 2024. |
| Town of Oakville | June 19, 2023 - Council directed staff to bring forward recommendations for placing restrictions on graphic flyers and public displays. |
| City of Hamilton | November 8, 2023 - Council directed staff to bring forward a report to the Planning Committee detailing the feasibility of adopting by-laws to regulate the display of graphic images in public spaces as well as the distribution of graphic flyers by the end of Q2 2024. |

Municipalities with By-laws Restricting the Display of Graphic Signs

| Jurisdiction | By-Law | Scope |
|-----------------|--|---|
| City of Calgary | Temporary Signs on Highways By-law (29M97) | <ul style="list-style-type: none"> • Restricts the placement of signs within playgrounds and school zones and restricts advocacy messaging on public property within 150 metres of a school (if larger than 3.5” by 5” in size) between the hours of 7:30am and 9:00pm during school days. • Advocacy messaging is defined as “messaging that publicly expresses an opinion on an issue or cause.” • Violation of the by-law can result in a fine up to \$1,000. |

Municipalities with By-laws Restricting the Delivery of Graphic Images

| Jurisdiction | By-Law | Scope |
|---------------------|--|--|
| City of Calgary, AB | Community Standards By-law (32M2023) | <ul style="list-style-type: none"> • Flyers delivered to residential homes that contain graphic images must be concealed in an opaque envelope, have a graphic content warning, and include the name and address of the sender. • Graphic images are defined as a visual image showing, or purporting to show, a fetus or any part of a fetus. • Violation of any of the three by-law requirements can carry a fine ranging from \$500 to \$1,000 each. |
| Town of Airdrie, AB | Community Standards By-law (B-09/2012) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law. |

| | | |
|------------------------|---|---|
| Town of Strathmore, AB | Community Standards By-law (23-27) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law, except the by-law does not apply to mail delivered by Canada Post or requested by the resident. |
| Town of Okotoks, AB | Community Standards By-law (31-23) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law; except: <ul style="list-style-type: none"> Graphic images are defined as visual image showing, or purporting to show any subject matter that is not in compliance with the Canadian Code of Advertising Standards and offends the standards of public decency prevailing among a significant segment of the population. ○ Fines for each offence starts at \$500 and increases by \$250 for every subsequent offence conducted in the same calendar year, for a maximum of \$1,000 |
| City of London | Graphic Image Delivery By-law (PW-14) | <ul style="list-style-type: none"> • Same scope as the City of Calgary by-law; except: <ul style="list-style-type: none"> ○ Violation of the By-law can result in a maximum fine of \$5,000. ○ By-law does not apply to mail delivered by Canada Post or requested by the resident. |
| Town of Ingersoll | Graphic Image Delivery By-law (23-5268) | <ul style="list-style-type: none"> • Same scope as the City of London By-law. |
| City of Woodstock | Graphic Image Delivery By-law (9576-23) | <ul style="list-style-type: none"> • Same scope as the City of London By-law |
| City of St. Catharines | Graphic Image Delivery By-law (2023-150) | <ul style="list-style-type: none"> • Same scope as the City of London By-law, except minimum and maximum fees are not specified. |
| City of Burlington | Delivery of Graphic Images By-law (13-2024) | <ul style="list-style-type: none"> • Same scope as the City of London By-law, except minimum and maximum fees are not specified. |