

THE CORPORATION OF THE TOWNSHIP OF ADJALA - TOSORONTIO

BY-LAW

A BY-LAW TO REGULATE THE USE OF ELECTION CAMPAIGN SIGNS

Election Campaign Sign By-law

WHEREAS pursuant to the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the authority to regulate advertising devices, including signs;

AND WHEREAS it is deemed expedient that the Council of the Corporation of the Township of Adjala - Tosorontio enact a By-law to regulate the placement of election campaign signs on public roadways for the purpose of preventing hazards to vehicles and pedestrians and further to regulate the erection and removal dates for election campaign signs.

NOW THEREFORE be it enacted and it is hereby enacted by the Council of The Corporation of the Township of Adjala – Tosorontio as follows:

1. Definitions:

In this By-law:

“Campaign sign” means an outdoor sign or other outdoor advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons

- a) to give or to refrain from giving their votes to a candidate at an election held in accordance with the Canada Elections Act, The Elections Act (Ontario), or the Municipal Elections Act, 1996;
- b) to vote in favour of or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996;

“Candidate” means a person officially nominated as a candidate at an election or their authorized agent;

“Illuminated Sign” means a Sign that is lit from within or by an external light source focused chiefly on the sign;

“Local Board” means a local board as defined in Part 1 of the Municipal Act, 2001, S.O. 2001, c.25;

“Officer” means the Municipal Law Enforcement Officer or any person appointed by the Municipality;

“Person” means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representative of a person whom the context can apply according to law;

“Polling place” or “Voting place” means the entire building where the voting will occur and the property associated with the building;

“Public property” means any municipally owned land including but not limited to road allowances, roadside ditches, boulevards and sidewalks;

“Roadway” means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, and, where a road allowance includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively;

“Road allowance” means the portion of the road that is not ordinarily used for vehicular traffic such as the shoulder, roadside ditch and/or boulevard;

“Sight triangle” means a sight triangle as defined in Township By-law 03-56 and 03-57;

“Sign Owner” means the Candidate having the use or major benefit of the sign.

“Temporary Sign” means a sign not constructed or intended for long term use. It is primarily used for events such as, advertising special events grand openings, or holidays and can include real estate sales signs, elections, yard sales, and includes mobile signs.

“Township” means The Corporation of the Township of Adjala – Tosoronto;

“Vehicle Sign” means a sign which is displayed on a vehicle and includes a sign painted or otherwise exhibited on a vehicle or a sign displayed on shrink wrapping placed over a vehicle.

2. Exemption from Sign Permits

2.1 No permits shall be required from the Township prior to the erection of election campaign signs which are temporary in nature.

2.2 Signs which are not considered temporary in nature include permanent structures.

3. Regulations for Campaign Signs

3.1 No person shall erect, cause or permit to be erected a campaign sign on a road allowance if the sign or any portion thereof is

- a) on or over the roadway or a sidewalk;
- b) closer than 1 metre (3.28 feet) to the edge of the roadway;
- c) within a sight triangle at the intersection of two roadways;
- d) where a road allowance includes a sidewalk adjacent to a roadway, on the portion of the road allowance between the sidewalk and the roadway;
- e) where a road allowance includes a roadside ditch adjacent to a roadway, on the portion of the road allowance between the roadside ditch and the roadway; and
- f) where a road allowance includes two or more separate roadways, on the portion of the road allowance between each roadway.

3.2 No person shall erect, cause or permit to be erected a campaign sign, in any public park or on any Public property owned or occupied by the County of Simcoe, Township or any local board. This provision does not apply to an area of residence within a property owned by the County of Simcoe.

3.3 No person shall at any time nail or otherwise attach a campaign sign, or cause a campaign sign to be nailed or otherwise attached, to or upon anything located on a road allowance and shall include utility pole, light pole, utility

box, tree, planter, bench, waste receptacle, newspaper box, mailbox or other similar fixture.

- 3.4 No person shall erect, cause or permit to be erected a campaign sign that may obstruct or impede any exit routes or escape routes or impede free access of emergency vehicles.
- 3.5 No person shall erect, cause or permit to be erected a campaign sign that may obstruct the view of any traffic signal, resemble any regulated traffic sign or signal or obstruct the view of any person operating a vehicle or pose a safety hazard.
- 3.6 No person shall at any time on any election voting day (12:00 a.m. to 11:59 p.m.), including those days when advance election voting is held, erect, cause or permit to be erected a campaign sign or display a vehicle sign on any grounds associated with any place being used as a polling place or voting place.
- 3.7 No person shall at any time erect, cause or permit to be erected a campaign sign or display a vehicle sign within 150 metres (492 feet) of a polling place or voting place except on private property.
- 3.8 No person shall erect, cause or permit to be erected a campaign sign prior to Nomination Day in a municipal election year.
- 3.9 No person shall use or display the Township logo, crest or seal in whole or in part on any campaign Sign.
- 3.10 Every Candidate shall ensure that campaign signs associated with a federal or provincial election are erected or installed in accordance with the Canada Elections Act (Federal) or Elections Act (Provincial).
- 3.11 No person shall erect, cause or permit to be erected a campaign sign that incorporates in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description.
- 3.12 No person shall erect, cause or permit to be erected a campaign sign on private property without the owner's consent.
4. Removal/Damage to Campaign Signs
- 4.1 No person shall deface, remove or willfully cause damage to a lawfully erected campaign sign.
- 4.2 Every candidate shall ensure that all campaign signs are removed no later than one week following the voting day of the election for which the sign was erected or installed.
- 4.3 When the Officer has reasonable and probable grounds to believe that a campaign sign has been erected, caused or permitted to be erected, in a manner that contravenes any other provision of this By-law, the Officer may cause the campaign sign to be removed without notice.
- 4.4 No campaign sign shall be returned to the sign owner on Election Day.
- 4.5 The Township may destroy any election sign which has been seized and is not claimed and retrieved by the sign owner within 30 days without compensation to the sign owner.

- 4.6 The Township shall not be liable for any damage or loss of a Campaign sign that was displayed in accordance with this By-law or that was removed by an officer of the Township.
5. Fines and Penalties
- 5.1 A Police Officer, Municipal Law Enforcement Officer or other person authorized by the Township to enforce this By-law, as amended, is hereby vested with the authority of administering and enforcing the provisions of this By-law.
- 5.2 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.
- 5.3 Fines shall be issued with Schedule "A" to this by-law on a per sign basis and each sign erected in contravention of any provision of this By-law shall be fined as an individual and separate offence in accordance .
- 5.4 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001 or under a by-law passed under the Municipal Act, 2001.
6. General
- 6.1 This By-law may be cited as the "Election Campaign Sign By-law".
- 6.3 Words in the singular may include the plural and words in the plural may include the singular.
- 6.4 Specific terms include both sexes and include corporations.
7. Force and Effect
- 7.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.
- 7.2 Where the provisions of this By-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.
- 7.3 This By-law shall come into force and take effect immediately upon the final passing thereof.
- 7.4 THAT, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this day of ,2010.

MAYOR TOM WALSH

CLERK BARBARA KANE

