

The Corporation of The Township of Tyendinaga

By-law 33-2022

A By-law to regulate Municipal and School Board Election Signs within the Township of Tyendinaga

Whereas Subsection 11(3) of the Municipal Act, 2001 S.O. 2001 c. 25 provides that councils of lower tier municipalities may pass by laws respecting structures including fences and signs; and

Whereas Section 99 of the Municipal Act, 2001 S.O. 2001 c. 25 authorizes a municipality to pass by-laws regulating advertising devices; and

Whereas the Council of the Township of Tyendinaga (the "Municipality") deems it necessary to regulate the location, manner and display of election signs for reasons of public safety; and

Whereas the Council of The Corporation of the Township of Tyendinaga deems it necessary to regulate the location, manner and display of election signs in order to prevent the unlimited proliferation of signs on highways and property that would create dangerous and undesirable situations;

Now therefore the Council of the Corporation of the Township of Tyendinaga enacts as follows:

1. Short Title

This By-law shall be cited as the "Election Signs By-law".

2. Definitions

In this By-law, the following terms have the specified meanings:

"By-law Enforcement Officer" means a By-law Enforcement Officer appointed by the Corporation of the Township of Tyendinaga.

"Candidate" means a person who is running or has expressed an intention to run in a municipal, provincial, or federal election.

"Clerk" means a person appointed by Council under the Municipal Act or designate, and who is the person responsible for conducting the election in the lower-tier municipality in accordance with the Municipal Elections Act, 1996, as amended.

"Election Sign" means:

- 2.1.1. any sign advertising or promoting a candidate in a federal, provincial, or municipal election;
- 2.1.2. any sign intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors in accordance with the *Municipal Elections Act, 1996*;
- 2.1.3. a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning.

“Help Centre” means a location designated by the Clerk to assist electors with the internet/telephone voting process or other general election inquiries and includes the entire property and all boundaries associated with it (parking lot, adjoining fences, and road allowances).

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by, the general public for the passage of vehicles.

“Official Sign” means a sign placed by the Municipality to control and regulate the movement of vehicles and pedestrians, signs posted by the Municipality under the provisions of the Sign By-law, a sign approved by the Ministry of Transportation Ontario, and signs described in the *Highway Traffic Act*.

“Public Property” means property owned or under the control of the Township of Tyendinaga or any of its agencies, boards or commissions, including parks, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Municipality, and shall also be deemed to include benches, municipal garbage containers or other structures located on a highway regardless of whether the containers or structures are owned by the Municipality. Property owned by the Municipality and leased to another person or entity shall not be deemed to be public property.

“Registered Third Party” means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who’s Notice of Registration for Third Party Advertiser has been certified by the Clerk.

“Revision Centre” means a location designated by the Clerk where eligible electors can make additions, deletions and corrections to their information on the Voters’ List and includes the entire property and all boundaries associated with it (parking lot, adjoining fences, and road allowances).

“Road Allowance” means land reserved by the Municipality for a public roadway and includes the road surface, grassed area, boulevard, ditch, curb, gutter, sidewalk, and any other structures constructed by the Municipality.

“Sidewalk” means that portion of a highway between the curb lines and the property line of the lot abutting the highway and which is intended for the use of pedestrians.

“Sight Triangle” means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, which must be kept clear of obstructions such as hedges so that people on one road can see cars approaching on the other. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“Sign Height” means the measured height from grade below the sign to its highest most point of the sign.

“Vehicle” includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include vehicles running only upon rails.

3. General Provisions

- 3.1. No person shall place or permit to be placed an election sign except in accordance with this by-law.
- 3.2. No person shall place or permit to be placed an election sign on public property.
- 3.3. No person shall place or permit an election sign to be placed:
- a) at or within 50 meters of a Help Centre or Revision Centre;
 - b) in or on a vehicle that is parked within 50 meters of a Help Centre or Revision Centre;
 - c) in a sight triangle;
 - d) on a utility pole;
 - e) on any official sign or official sign structure;
 - f) which include electronic displays or is illuminated;
 - g) is attached to or placed upon any building in such a manner so as to obstruct any fire escape, fire exit, or to interfere in any way with the work of the fire department;
 - h) obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic signs or devices, or where it may interfere with vehicular traffic potentially endangering any person;
 - i) impedes or hinders or prevents parking by vehicles on private or public lands, or on a public highway.
- 3.4. The candidate or registered third party shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all requirements of this by-law have been met.
- 3.5. No person shall place or permit to be placed an election sign outside of the position for which the candidate is running for office.
- 3.6. No person shall place or permit an election sign to be posted in the Township of Tyendinaga for a candidate in another municipal jurisdiction.
- 3.7. No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate or registered third party to whom the sign relates or the owner or tenant of the property on which the sign is erected.
- 3.8. No person shall deface or willfully cause damage to a lawfully erected sign.
- 3.9. No person shall display on any election sign a logo, trademark, or official mark, in whole or in part, owned or licensed by the Municipality.

4. Election Signs on Private Property

- 4.1. Election signs may be erected or displayed on private property if:
- a) the signs are erected with the consent of the owner or tenant of the property
 - b) the sign height is less than 2 meters; and
 - c) the signs do not interfere with the safe operations of vehicular traffic or with the safety of pedestrians.
- 4.2. No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
- 4.3. No more than three (3) election signs per candidate are permitted on any

one piece of land zoned other than residential.

5. Timing

- 5.1. No person shall place or permit to be placed an election sign for a federal or provincial election or by-election earlier than the day the writ of election or by- election is issued.
- 5.2. No person shall place or permit to be placed an election sign for a municipal election until after Labour Day of an election year.
- 5.3. All election signs shall be removed within seven (7) days immediately following 11:59 p.m. of the day of the election.

6. Sign Deposit

- 6.1. Prior to any municipal election sign being erected within the Township of Tyendinaga, candidates and registered third party advertisers shall file a deposit fee of \$100.
- 6.2. Deposits must be submitted to the Clerk and may be in the form of cash or cheque payable to the Township of Tyendinaga.
- 6.3. Sign deposits are due and payable at the time of the filing of nomination papers/registration papers and prior to the erection of any signs for any municipal or school board candidates.
- 6.4. Municipal election signs must be removed within seven (7) days following a municipal election. If not removed within this time frame, the Clerk may direct that the signs be removed and the deposit retained by the municipality.
- 6.5. The Clerk's decision to retain the deposit shall be final and not subject to review.
- 6.6. In the event that the deposit is not retained, the Clerk shall direct the Treasurer to refund the deposit paid under this By-law upon satisfactory removal of all Election signs.

7. Removal of Unlawful Election Signs

- 7.1. Where municipal election signs have been posted in contravention of this By-law, the Clerk may notify the owner, candidate or their agent to remove the sign and take the necessary action to ensure that the sign complies with the provision of this By-law within 24 hours of notice.
- 7.2. Where action is not taken and the election signs have not been removed, the Clerk may direct that the signs be removed and the deposit retained by the municipality.

8. Offence and Penalty

- 8.1. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*, R.S.O.1990.

9. Liability

- 9.1. The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or wilful acts of such person or his or her agents or

employees in the construction, erection, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on the Municipality, its officers, employees, servants, agents and contractors any responsibility or liability, whatsoever, by reason of the removal of any sign.

10. Conflicts

10.1. In the event of a conflict between the provisions of this by-law and the provisions of another by-law of the Corporation of the Township of Tyendinaga regulating signage, the provisions of the more restrictive enactment shall prevail.

11. Validity

11.1. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in force and effect.

12. Enactment

12.1. That this By-law shall come into full force and effect on the date of its passing.

12.2. This By-law may be cited as the "Elections Sign By-law".

Read a first and second time this 2nd day of May, 2022.

Read a third and final time and finally passed this 2nd day of May, 2022.

Rick Phillips, Reeve

Carla Preston, CAO/Deputy Clerk