



THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

BY-LAW NUMBER 2018- 06

BEING a by-law to regulate the use and placement of signs for election purposes within the geographic area of the Corporation of the United Townships of Head, Clara & Maria.

WHEREAS subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this 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 and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11(3) of the Municipal Act, S.O. 2001 as amended, states that a municipality may pass by-laws respecting structure including fences and signs;

AND WHEREAS section 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing of any object placed or standing on or near a highway;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, establishes that any person who contravenes any by-law of The Corporation of the United Townships of Head, Clara & Maria is guilty of an offence;

AND WHEREAS section 445 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of the Corporation of the United Townships of Head, Clara & Maria deems it to be in its interest and for reasons of public safety to enact a by-law to regulate the placement of election signs;

NOW THEREFORE the Council of the Corporation of the United Townships of Head, Clara & Maria does enact as follows:

DEFINITIONS

“**Candidate**” means a Candidate within the meaning of the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996 as amended; and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the Municipal Elections Act, 1996 as amended;

“**Clerk**” means the Clerk of the Corporation of the United Townships of Head, Clara & Maria or a person delegated by them for the purpose of this By-law;

“**Election Sign**” means any sign, including posters or other publicly displayed notice promoting, opposing or taking a position with respect to:

- any Candidate or political party in an election under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996;
- an issue associated with a person or political party in an election under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996; or
- a question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996;

“**Electoral District**” means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

“**Enforcement Officer**” means a person authorized to act as a Municipal By-Law Enforcement Officer appointed by the Municipal Council of the Municipality;

“**Municipality**” means the Corporation of the United Townships of Head, Clara & Maria;

“**Nomination Day**” means the deadline to file a nomination with the Clerk under the Municipal Elections Act, 1996 as amended;

“**Owner**” means the registered Owner of the property on which an Election Sign is placed; any person described on or whose name, image, address or telephone number appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has placed or permitted to be placed the Election Sign; and for the purposes of this By-law there may be more than one Owner of an Election Sign;

“**Park**” means land and land covered by water and all portions thereof under the control or management or joint management of the Municipality, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area, a municipal boat launch as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

“**Place(d)**” means attach, install, erect, build, construct, reconstruct, move, display or affix in any tense;

“**Public Property**” means real property owned by or under the control of the Municipality, including a Park or boat launch;

“**Roadway**” means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

“Sign Area” means the area of one side of a sign where copy can be placed;

“Sign Height” means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

“Street” means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, trestle or other public way under the jurisdiction of the Municipality and this term includes all road works and appurtenant to municipal land;

“Voting Place” means a place where electors cast their ballots and:

- when a Voting Place is located on Public Property, includes any Street abutting; or
- when a Voting Place is located on private property, includes any Street abutting.

“Writ of Election” means the date as defined in the Canada Elections Act and the Elections Act (Ontario).

GENERAL PROHIBITIONS

1. No person shall place or permit to be placed an Election Sign except in accordance with this by-law.
2. No person shall place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.
3. Election signs shall not be placed within 15 metres (50 feet) of any intersection of public roads within the municipality.

PLACEMENT ON PUBLIC PROPERTY

4. No person shall place or permit to be placed an Election Sign:
 - 4.1. on public property including on or adjacent to the Municipal office/library/community centre complex or the public works building.
 - 4.2. in a municipal park, playground or boat launch.
 - 4.3. Placed or affixed to any building or vehicle owned, leased or operated by the Municipality of the United Townships of Head, Clara & Maria.
5. No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Municipal.
6. No person shall place or permit to be placed an Election Sign:
 - 6.1. On or in a Voting Place.
 - 6.2. within 150 feet of any polling station, including on a vehicle in the parking lot and road allowance in front of a polling station.
7. No person shall place or permit to be placed an Election Sign:
 - 7.1. in a Roadway;
 - 7.2. within 3 metres of a Roadway;
 - 7.3. on a tree, or a fence, or a wall, or a gate, or a utility pole located on public property or a Street/Road;
 - 7.4. within 10 metres of another Election Sign of the same Candidate.
8. No person shall place or permit to be placed an Election Sign that:
 - 8.1. is illuminated;
 - 8.2. has flashing lights or rotating parts;
 - 8.3. has a Sign Area of more than 2.5 square metres;
 - 8.4. is attached to trees or municipal sign posts;
 - 8.5. simulates any traffic control device;

- 8.6. interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
 - 8.7. impedes or obstructs the Municipality's maintenance operations.
9. Election signs may be placed on municipal road allowances provided that:
 - 9.1. The signs are no larger than 2.5 square metres;
 - 9.2. If the Road Superintendent, or his/her designate, determines that the location of the sign is impeding the necessary sightlines of motorists, municipality's maintenance operations, or access to a private drive, the candidate shall, upon the request of the Road Superintendent or his/her designate, relocate the sign;
 - 9.3. Should the sign be causing an immediate safety issue, the Road Superintendent, or his/her designate, shall remove the sign upon it being brought to his/her attention.
 10. Where election signs placed on private property are causing an immediate safety issue, the Road Superintendent, or his/her designate, shall remove the sign upon it being brought to his/her attention and the cost of such removal, as outlined in Sections 18 and 19 of this by-law shall be charged back to the owner of the sign;
 11. No more than two (2) election signs per candidate may be permitted on a residential property, and
 12. No more than three (3) election signs per candidate may be permitted on a parcel of land zoned other than Residential.

TIMING

13. Election signs shall be removed no later than three (3) days following Election Day.
14. 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.
15. No person shall place or permit to be placed an Election Sign for a municipal election:
 - 15.1. earlier than Nomination Day in the year of a regular election; or
 - 15.2. earlier than Nomination Day for a by-election.

FEES AND ENFORCEMENT

16. Election signs placed in contravention of this by-law that are required to be removed or signs not removed within the time-frame noted above shall be removed by the Municipality and disposed of.
17. The cost of such removal and disposal shall be charged back to the owner of the signs at a charge of \$20.00 per sign.
18. If signs are removed by the Municipality but subsequently collected by the owner, the fee per sign will be \$10 and payable prior to the return of the sign.
19. Candidates and third party advertisers shall be responsible for compliance with signage by-laws and regulations of the Province of Ontario (MTO), as they apply.
20. The Municipal Clerk and/or a By-Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice. Such signs will be held in the municipal garage for a period of 10 business days. If they

have not been collected by the candidate or owner by the end of the 10th business day; signs shall be disposed of.

21. Candidates and owners are responsible for their Election Signs. Municipal staff do not have an obligation to advise the candidate or owner that the municipality has removed an Election Sign or have an Election Sign in their possession.
22. The Municipal Clerk and/or By-Law Enforcement Officer may destroy and dispose of any Election Signs which have been removed and not claimed and retrieved by the candidate or owner within the time period as prescribed by the Municipal Clerk in section 21 of this by-law.
23. This by-law may be enforced by the Municipal Clerk or a By-Law Enforcement Officer.

ADMINISTRATION

24. The administration of this by-law is delegated to the Municipal Clerk.

SEVERABILITY

25. Should a portion of this bylaw be found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the bylaw remains valid and effective

OFFENCE AND PENALTY

26. 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.

27. This By-law shall become effective on the date of passage.

READ a 1st time this 20th day of March, 2018.

READ a 2nd time short and passed this 17th day of April, 2018

BOB REID, MAYOR

MELINDA REITH, CLERK