

The Corporation of the Township of Oro-Medonte

By-law No. 2018-033

**A By-law to Regulate the Placement and Use of Elections Signs
within the Township of Oro-Medonte and to
repeal By-law No. 2011-030**

Whereas subsection 11(3) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, states that a municipality may pass by-laws respecting signs;


And Whereas Council deems it appropriate to regulate the placement of election signs within the municipality to facilitate equal opportunity for all candidates and/or a registered third party, and to ensure the safety of the individuals by the safe placement of election signs;

Now Therefore the Council of the Township of Oro-Medonte hereby enacts as follows:


1. That Appendix "A" attached hereto, form part of this By-law.
2. That this By-law may be cited as the "Election Sign By-law".
3. That By-law No. 2011-030 is hereby repealed in its entirety.
4. And that this By-law shall come into force and effect on the date of its final passing.

By-law read a First, Second and Third time, and Passed this 28th day of March, 2017.

The Corporation of the Township of Oro-Medonte



Mayor, H.S. Hughes



Clerk, Karen Way

Appendix "A"

to By-law No. 2018-033 for The Corporation of the Township of Oro-Medonte

1.0 Definitions

For the purpose of this By-law, the following definitions shall apply:

"Candidate" means

- (i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act*, 1996 as amended; and
- (ii) 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 Township and/or their designate;

"Council" means the Council of the Corporation of the Township of Oro-Medonte;

"Election Sign" means any sign, including posters, promoting, opposing or taking a position with respect to:

- (i) any Candidate, Registered Third Party Advertising or political party in an election under the *Canada Elections Act*, the *Elections Act* (Ontario) or the *Municipal Act*, 1996;
- (ii) 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;
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, *Election Act* (Ontario) or the *Municipal Elections Act*, 1996;

"Electoral District" means a geographical 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;

"Highway" means a common and public highway, street, avenue, parkway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by the general public for the passage vehicles, including unopened and un-assumed Highways;

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of two or more Highways that join one another at an angle, whether or not one Highway crosses the other;

"Municipal Law Enforcement Officer" means a person appointed by the Council for the purpose of carrying out the enforcement of municipal by-laws.

"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 (1) owner of an Election Sign;

"Parkland" means lands owned by or belonging to the Township of Oro-Medonte that is utilized for recreational purposes and as otherwise may be designated for use as a public park, open space, dock, or wharf, including Oro-Medonte Rail Trail and any and all buildings, structures, facilities, erections and improvements located in or on such land, save and except Township facilities used for meetings and gatherings or where such land is governed by other By-laws of the municipality;

“Place” means attached, install, erect, build, construct, reconstruct, move, display or affix;

“Public Property” means real property owner or under the control of the Township, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purpose of this By-law does not include a Highway;

“Registered Third Party Advertiser” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the *Municipal Elections Act, 1996*, as amended.

“Sidewalk” means that portion of a Highway as is set aside by the Township of Oro-Medonte primarily intended for the use of pedestrians;

“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 grad to the highest part of the sign;

“Utility” means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks and includes works, structures, buildings and accessories incidental to the supply of such services;

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

- (i) when a Voting Place is located on Public Property, includes any Highway abutting; or
- (ii) when a Voting Place is located on private property, includes any Highway abutting.

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

2.0 General Prohibitions

2.1 No person shall Place or permit to be Placed an Election Sign except in accordance with this By-law.

2.2 No person shall Place or permit to be Placed and Election Sign that:

2.2.1 is illuminated;

2.2.2 has visible moving parts or visible mechanical movement;

2.2.3 has a Sign Area of more than 6 square metres;

2.2.4 interferes with the safe operation of vehicular traffic or the safety of pedestrians;

2.2.5 impedes or obstructs the Township’s maintenance operations.

2.3 No person shall Place or Permit to be Placed an Election sign outside of the Electoral District where the Candidate, Registered Third Party Advertising or party is running for office.

2.4 No person shall Place or permit to be Placed an Election Sign on or in a Voting Place.

2.5 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned by the Township.

3.0 Timing

- 3.1** No person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election prior to 45 days from the date of the Writ of Election or a by-election.
- 3.2** No person shall Place or permit to be Placed an Election Sign for a municipal election prior to September 15th in the year of a regular election.
- 3.3** No person shall Place or permit to be Placed an Election Sign for a municipal by-election 45 days prior to the by-election.
- 3.4** No person shall fail to remove their Election signs after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election or by-election.

4.0 Election Signs on Public Property

- 4.1** No person shall Place or permit to be Placed an Election Sign on Public Property.
- 4.2** No person shall Place or permit to be Placed an Election Sign on any Parkland.
- 4.3** No person shall Place or permit to be Placed an Election Sign:
 - 4.3.1** within 2 metres of the edge of the pavement on a Highway;
 - 4.3.2** between a Highway and a Sidewalk;
 - 4.3.3** that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - 4.3.4** on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Highway;
 - 4.3.5** within 23 metres of an Intersection;
 - 4.3.6** within 45.73 metres of any Voting Place;
 - 4.3.7** within 10 metres of another Election Sign of the same Candidate.
- 4.4** No person shall Place or permit to be Placed an Election Sign that has a Sign Height:
 - 4.4.1** of more than 1.8 metres when Placed within 3 to 8 metres of the Highway;
 - 4.4.2** of more than 3.65 metres when Placed beyond 8 metres of the Highway;
- 4.5** No person shall injure or foul a Highway or permit the injury or fouling of a Highway when placing an Election Sign.
- 4.6** No person shall injure or foul public structures or permit the injury or fouling of public structures on a Highway when Placing an Election Sign.
- 4.7** No person shall injure or foul a Utility or permit the injury or fouling of a Utility when Placing an Election Sign.

5.0 Removal and Return of Election Signs-Powers of Municipal Law Enforcement Officer

- 5.1** A Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 5.2** A Municipal Law Enforcement Officer may destroy any Election Sign which have been removed and not claimed and retrieved by the Candidate, Registered Third Party Advertising, persons, or Owner within the time period as prescribed by the Clerk.

5.3 The Clerk may make regulations under this By-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under section 5.1 and 5.2 of this By-law, without limitation, the form of and any information required to be provided to the Clerk and/or Municipal Law Enforcement Law to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner related to the retrieval and destruction of an Election Sign.

6.0 Enforcement

6.1 This by-law may be enforced by the Municipal Law Enforcement Officer.

7.0 Offence

7.1 Every person who contravenes any provisions 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.