



THE CORPORATION OF THE TOWN OF ERIN

BY-LAW #18 - 14

Being a By-Law to enact an “Election Signs” By-law, and to repeal section 16 of By-Law # 03-58.

Whereas subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that a municipal power shall be exercised by by-law;

And Whereas subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

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 or any object placed or standing on or near a highway;

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;

Now therefore the Council of The Corporation of the Town of Erin hereby enacts as follows:

1. Definitions

1.1 In this By-law:

“**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;

“**Crosswalk**” means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) Shall include pedestrian crossovers.

“Daylight Triangle” means an area free of buildings, structures, or obstacles determined by measuring from the point of intersection of street lines on a corner lot, the distance of 10 feet along each street line and joining such points with a straight line. This triangular-shaped area is the *daylight triangle*.

“Election Sign” means any sign or display promoting, opposing or taking a position with respect to:

- i) any Candidate or political party in an election under the *Canada Elections Act, the Election Act (Ontario)* or the *Municipal Elections 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, 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 a School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons;

“Median Strip” means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement;

“Municipal Clerk” means a person appointed by the Council of the Town of Erin to the statutory position under the *Municipal Act, 2001*;

“Municipal Law Enforcement Officer” means a person appointed by the Council of the Town of Erin to enforce this and other by-laws.

“Nomination Day” means the deadline to file a nomination with the Municipal 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 the By-law there may be more than one Owner of an Election Sign.

“Person” means an individual, firm, corporation, association or partnership or registered third party, or any other similarly defined interest;

“Place” also referred to as *placing* in this by-law, means attach, install, erect, build, construct, reconstruct, move, display or affix;

“Public Property” means real property owned or under the control of the Town, including a Park, or any of its agencies, local boards, commissions, corporations;

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

“Sidewalk” means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, 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 an election sign from the lowest point of finished grade to the highest part of the election 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 Corporation of the Town of Erin, and includes all road works and appurtenant to municipal land;

“**Town**” Means the corporation of the Town of Erin.

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

2. General Prohibitions

- 2.1 No person shall *Place* or permit to be *Placed* an *Election Sign*, except in accordance with this by-law, and all applicable legislation, including but not limited to *The Municipal Elections Act, Canada Elections Act, or the Elections Act (Ontario)*.
- 2.2 No person shall *Place* or permit to be *Placed* and *Election Sign*:
- (a) that is illuminated
 - (b) that has a *Sign Area* of more than 3 square metres
 - (c) that has a *Sign Height* of more than 1 metre
 - (d) that interferes with the safe operation of vehicular traffic or the safety of pedestrians
 - (e) that impedes or obstructs the passage of pedestrians on a *Sidewalk*;
 - (f) that obstructs openings required for light, ventilation, ingress, egress or fire-fighting
 - (g) between a *Roadway* or *Street* and a *Sidewalk*
 - (h) less than three (3) metres from a *Crosswalk*
 - (i) that impedes or obstructs the *Town’s* maintenance operations;
 - (j) in a *Roadway*
 - (k) within two (2) metres of a *Roadway*
 - (l) in a *Median Strip*
 - (m) within a *Daylight Triangle*
 - (n) on *Public Property*
 - (o) on private property without the consent of the owner or occupant of the property
- 2.3 No person shall *Place* or permit to be *Placed*, an *Election Sign* outside of the *Electoral District* where the *Candidate* is running for office.
- 2.4 No person shall injure or foul a *Street* or permit the injuring or fouling of a *Street* when *Placing* an *Election Sign*.
- 2.5 No person shall display on any *Election Sign* a logo, trademark or official mark, in whole or in part, owned or licensed by the *Town*.
- 2.6 No person shall remove, deface or wilfully cause damage to a lawfully placed *Election Sign*.

3. Timing

- 3.1 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.
- 3.2 No person shall *Place* or permit to be *Placed* an *Election Sign* for a municipal election earlier than the date the candidate has filed his or her nomination with the *Municipal Clerk* and no earlier than September 1 to the day of the election.
- 3.3 No owner shall fail to remove their *Election Sign* after the expiry of the 96 hours immediately following 11:59pm of the day of the election.

4. Powers of the Municipal Clerk and Municipal Law Enforcement Officer

- 4.1 The *Municipal Clerk* and/or *Municipal Law Enforcement Officer* may remove any *Election Sign Placed* in contravention of this by-law without notice and/or compensation to any party.
- 4.2 The *Municipal Clerk* and/or *Municipal Law Enforcement Officer* may destroy any *Election Signs* which have been removed and not claimed and retrieved by the *Candidate*, persons, or *Owner* within the time period as prescribed by the *Municipal Clerk*.
- 4.3 The *Municipal Clerk* may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of *Election Signs* removed under sections 4.1 and 4.2 including, without limitation, the form of and any information required to be provided to the *Municipal Clerk* and/or an *Enforcement Officer* 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* relating to the retrieval and destruction of an *Election Sign*.
- 4.4 The Town may recover the expense for the removal of an election sign, or associated with any contravention of this by-law.

5. Fees and Charges

- 5.1 Prior to the *Placing* of an *Election Sign*, the candidate shall pay a deposit in the amount of \$125, refundable in the amount that has not been deducted due to contravention.

6. Administration

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

7. Short Title of By-law

- 7.1 This by-law may be referred to as the "Election Signs By-law".

8. Force and Effect of this By-law

- 8.1 Section 16 of By-Law #03-58 is hereby repealed by this By-law on such date that this By-law comes into force.
- 8.2 This By-law shall come into force and effect on the date of its passing.

9. Severability

9.1 Each section of this By-law is an independent section, and the holding of any section or part of any section of this By-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this By-law.

10. Liability or Damages

10.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person displaying or owning any *Election Sign* for personal injury or property damage resulting from the *Placing* of such signs or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the construction, erection, display, maintenance, or repair or removal of such signs.

Passed in open Council, on March 6, 2018.



Mayor, Allan Alls



Deputy Clerk, Lisa Campion