

# **The Corporation of the Township of Southgate**

## **By-law Number 2017-129**

### **being a by-law to regulate Election Signs in the Township of Southgate**

**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 to 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** Subsection 11.8 of the Municipal Act 2001 S O 2001 c.25 provides that a municipality has the power to pass a by law respecting highways; and

**Whereas** the Council of The Corporation of the Township of Southgate 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 be it resolved that** the Council of the Corporation of the Township of Southgate hereby enacts as follows:

#### **1. Definitions**

##### **1.1 In this By law the following terms shall have the meanings indicated:**

- (a) "Boulevard"** means that portion of a highway which may be paved, unpaved, grassed or landscaped with other materials between the Township property line and the curb line but does not include the sidewalk and any centre median strip or island separating two (2) roadways;
- (b) "By-law Enforcement Officer"** means a by law enforcement officer appointed by Council of The Corporation of the Township of Southgate;
- (c) "Campaign Office"** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information about the candidate;
- (d) "Candidate"** shall have the same meaning as in the Canada Elections Act the Election Act Ontario or the Municipal Elections Act 1996, as amended, as applicable and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by law submitted in accordance with the Municipal Elections Act 1996, as amended;
- (e) "Election" sign** means
  - i.* any sign advertising or promoting a candidate in a federal provincial or municipal election including an election for a local board or commission;

- ii.* 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; or
  - iii.* a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning;
- (f) "Façade"** means the exterior wall of a building exposed to public view on the street which bears the municipal address of the building;
- (g) "Height"** means the vertical distance measured from the lowest grade level at the base of the sign to the highest point of the same sign;
- (h) "Highway"** includes a common and public highway street avenue parkway driveway square place bridge viaduct or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (i) "Illuminated"** means lighted by any means whatsoever including direct indirect internal and external sources of illumination;
- (j) "Lot"** shall mean a parcel of land having continuous frontage on a public street described in a deed or other document, which is legally capable of conveying a fee simple interest of land, other than a leasehold interest, easement, or right-of way;
- (k) "Municipal Property"** means land or buildings owned or leased by the Township, County of Grey, or a local board as defined in the Municipal Act 2001, as amended;
- (l) "Official Sign"** means any sign which is required to be erected or displayed pursuant to any statute by law regulation or other directive of any federal provincial or municipal government or agency board or commission thereof
- (m) "Order"** means and Order made under the corresponding section(s) of this by-law;
- (n) "Owner"** means the registered owner of the lands and includes any person, firm, partnership, corporation, institution, religious or philanthropic organization government or governmental agency controlling maintaining or occupying the lands upon which a sign is or will be erected or displayed;
- (o) "Road Allowance"** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property;
- (p) "Rotating Sign"** means any sign or portion of a sign which rotates on an axis;
- (q) "Sight Triangle"** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line or railway line, each such point being 9 metres (29.5 feet) from the point of intersection of the street lines (measured along the street lines). 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;

- (r) **"Sign"** shall mean any device object or thing which creates a design or conveys a message or which is designed to convey a message and which is erected located or fixed on any real property for the purposes of conveying any type of message and shall include a flag a vehicle and includes any identification notice description illustration or advertising device which is:
- i.* illuminated or non-illuminated;
  - ii.* visible from any street;
  - iii.* located on any property; or
  - iv.* exposed to the public;
- (s) **"Sign Area"** means the area of the sign within the perimeter which forms the outside shape and:
- i.* where the sign consists of two sides the area of one side of the sign; or
  - ii.* where the sign consists of more than two sides the total of the areas of each side of the sign;
- (t) **"Township"** or **"Township of Southgate"** means The Corporation of the Township of Southgate;
- (u) **"Voting Location"** means the entire property where an election occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

## **2.0 General Provisions**

- 2.1** No person shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed, repaired or altered an election sign on any lands or buildings or structures within the Township, except in accordance with the provisions of this by law;
- 2.2** Notwithstanding any other provision of this by law no person shall, affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
- a) on any official sign or official sign structure;
  - b) within a sight triangle;
  - c) on the land or buildings situated on or in or on a vehicle that is parked at any voting location or on the road allowance in front of the voting location or within thirty 30 metres of a voting location;
  - d) at any location where the election sign:
    - i.* obstructs the view of any pedestrian or driver of a motor vehicle or obstructs the visibility of any traffic sign or device or where it may interfere with vehicular traffic potentially endangering any person;
    - ii.* constitutes a danger or hazard;
    - iii.* impedes or hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminates a public parking space required by law;
    - iv.* impedes or hinders a view of a public highway or a railway crossing;
    - v.* is located on any municipal property;

- vi. is attached to a tree bush stone or other natural object;
  - vii. is attached to a utility pole bus shelter traffic sign or any other municipal infrastructure; or
  - viii. is located on any centre median traffic island or centre boulevard within a road allowance;
- 2.3** No person shall affix, erect, display, repair or alter or cause or permit to be affixed erected displayed repaired or altered an illuminated or rotating sign;
- 2.4** No person shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed repaired or altered an election sign displaying The Corporation of the Township of Southgate logo, crest or seal;
- 2.5** No person shall leave an abandoned sign on a property;
- 2.6** No person shall use or permit or cause to be used an election sign that is attached, affixed or displayed on a vehicle or trailer;
- 2.7** No person shall attach, affix, or display or cause the display or attachment of any election sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign;
- 2.8** Election signs may be displayed in the Township in the location:
- a) where the candidate is running for that position; or
  - b) promoting a position with respect to a question on a ballot upon which an eligible elector may vote;
- 2.9** No person shall deface, move, or willfully cause damage to a lawfully erected election sign.

### **3.0 Election Signs on Private Property**

- 3.1** Only one election sign per candidate shall be affixed erected or otherwise displayed on any lot;
- 3.2** On corner lots a second sign per candidate may be affixed erected or otherwise displayed on the adjoining side of the lot;
- 3.3** Election Signs less than or equal to 0.5 square metres in sign area and erected, affixed or otherwise displayed on a lot or on the boulevard shall comply with the following:
- a) the maximum height shall be 1.0 metre;
  - b) the sign shall be placed no less than 1.8 metres from the curb or travelled portion of the highway or if the election sign is placed adjacent to a sidewalk the sign shall be set back a minimum of 0.6 metres from the edge of the sidewalk; and
  - c) Subsection 3.3 b) does not apply when the sidewalk is less than 0.6 metres from the main wall of a building or other obstruction in which case the sign shall be placed at the furthest distance possible from the sidewalk;
- 3.4** Election Signs less than or equal to 1.5 square metres in sign area and erected, affixed or otherwise displayed on a lot or on the boulevard shall comply with the following:
- a) the maximum height shall be 2.4 metres; and
  - b) the sign shall be placed no less than 7.0 metres from the curb or travelled portion of the highway;
- 3.5** Paragraph 3.4 b) does not apply when the curb or travelled portion of the highway is less than 7.0 metres from the curb or travelled portion of the highway from a fence wall or other obstruction in which case the sign shall be placed at the furthest distance possible from the curb or travelled portion of the highway and the top of the sign shall:
- a) not exceed the maximum height of 2.4 metres;
  - b) not extend above the height of the obstruction; and
  - c) comply with the remaining requirements of this by law;

**3.6** An election sign may be affixed to the facade of the building or building unit which is used as a candidate's campaign office, provided such sign complies with the provisions of the Township's Sign By-law for a wall sign.

#### **4.0 Timing**

**4.1** No person shall affix erect or otherwise display an election sign or permit an election sign to be erected affixed or otherwise displayed prior to the issuance of writs for a provincial or federal election or no earlier than forty two (42) days immediately preceding the day of a municipal election;

**4.2** An election sign shall be removed within forty eight 48 hours immediately following 11:59 p.m. of the day of the election.

#### **5.0 Administration**

**5.1** Election signs may only be erected with the consent of the owner or the tenant on the lot;

**5.2** The candidate to whom an election sign relates shall be responsible for the erection or display of the election sign and shall ensure that all the requirements of this by-law have been met;

**5.3** A deposit in accordance with Schedule A is required before any candidate or a candidate's registered agent shall erect locate or display an election sign;

**5.4** Subject to any deductions made under Subsection of this by law a candidate is entitled to have his or her election sign deposit refunded no later than 90 days after voting day;

**5.5** If an election sign is removed in accordance with this by-law, the candidate to whom the sign relates will be charged in accordance with Schedule A to be deducted from the refundable portion of the candidate's election sign deposit to cover the cost of removing the sign;

**5.6** The sign removal fee as outlined in Schedule A will be waived if the candidate provides an affidavit indicating that neither the candidate nor to the best of the candidate's knowledge any person acting on behalf of the candidate was responsible for the unlawful erection or display of the election sign;

**5.7** If the costs incurred by the Township in removing a candidate's signs exceed the election sign deposit paid by the candidate the Township shall notify the candidate who shall have five (5) days after the date of notice is received to pay:

- a) the outstanding costs of removal at a cost in accordance with Schedule A; and
- b) further election sign deposit as required under Schedule A.

#### **6.0 Removal of Unlawful Election Signs**

**6.1** Where a person has affixed, erected or otherwise displayed or caused or permitted to be affixed erected or otherwise displayed a sign contrary to this by-law, a By-law Enforcement Officer may:

- a) cause the sign to be removed immediately without notice; or
- b) make an order directing the person to:
  - i. affix erect or otherwise display the sign in accordance with the requirements of this by law; or
  - ii. remove the sign within seventy two (72) hours of the date of the Order;

**6.2** An Order made by a by law enforcement officer may be delivered personally by email or by sending it by pre-paid ordinary mail to the candidate;

**6.3** Where the candidate to whom an Order is issued fails to perform the work required by the Order, a By-law Enforcement Officer may remove the sign at the expense of the candidate without further notice;

**6.4** Signs that have been removed pursuant to this by law shall be stored by the Township for a minimum of thirty (30) days during which time the candidate

or candidate's agent may retrieve the sign by providing the Township with a signed acknowledgement and release in a form acceptable to the Township;

- 6.5** Any sign that has been removed by the Township and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the Township without notice and without compensation to the candidate;
- 6.6** The Township shall not be required to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.

**7.0 Penalties and Offences**

- 7.1** Any person to whom an order is issued shall comply with the order;
- 7.2** Every person who contravenes any provision of this by law is guilty of an offence as outlined in this bylaw.

**8.8 Liability**

- 8.1** 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 willful 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 Township its officers, employees, servants, agents and contractors any responsibility or liability whatsoever by reason of the removal of any sign.

**9.0 Conflicts**

- 9.1** In the event of a conflict between the provisions of this by law and the provisions of another by law of the Township regulating signage the provisions of the more restrictive enactment shall prevail;
- 9.2** If a Court of competent jurisdiction declares any section or part of a section of this by law invalid it is the intention of Council that the remainder of the by law shall continue to be in force.

**10.0 Schedules**

- 10.1** Schedule A to this by law forms part of this by-law.

**11.0 Title**

- 11.1** This by law shall be known as the Election Sign By-law.

**12.0 Force and Effect**

- 12.1** This By law shall come into force and effect on the day of enactment

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of October, 2017.

  
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Anna-Marie Fosbrooke - Mayor

  
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Joanne Hyde - Clerk

### Schedule A to By-law 2017-129

<b>Type</b>	<b>Deposit Required</b>
For Municipal Election or By-Election:	
Mayor	\$75.00
Deputy Mayor	
Councillor	\$75.00
Trustee	\$50.00
Third Party Advertiser	\$75.00
Federal/Provincial Election	\$75.00
Sign Removal	\$10.00 per sign