

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2022 – 20

Being a By-law to repeal By-law 2018-34 and to regulate the number, location and size of Election Signs within the Township of Essa.

WHEREAS section 8 of the Municipal Act, 2001, S.O., c.25 (the “Act”) provides that the 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 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority under this or any other Act; and

WHEREAS section 11 of the Act provides that a lower tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4); and

WHEREAS subsection 11(93) of the Act provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting matters of structures, including signs; and

WHEREAS Council of the Township of Essa deems it advisable to have a By-law to regulate the number, location and erection of election signs;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

1. DEFINITIONS

- 1.1 “Boulevard” means that part of a road from the edge of the road to the nearest lateral property line of the road.
- 1.2 “Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.
- 1.3 “Election Sign” includes any surface or structure, and their component parts, which are used or are capable of being used as a visual medium to attract attention to a specific subject matter, or to create a design or convey a message:
 - a) To advertise or promote a candidate in a federal, provincial or municipal election, including an election of local board or commission; or
 - b) Intended to influence persons to vote for or against any candidate or any question, law or by-law submitted to electors.
- 1.4 “Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, 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 line thereof

- 1.5 "Recurring Offenders" means any candidate or registered third party advertiser who has had an election sign removed on three or more separate occasions by the Township of Essa as a result of violations of this By-law.
- 1.6 "Registered Third Party Advertiser" means one of the following and whose notice of registration has been certified by the Clerk of the Township of Essa pursuant to section 88.6 of the Municipal Elections Act:
- a) An individual who is normally a resident in Ontario;
 - b) A corporation that carries on business in Ontario; or
 - c) A trade union that holds bargaining rights for employees in Ontario.
- 1.7 "Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic.
- a) In an urban area, a roadway is the portion of the street between the curbs.
 - b) In a rural area, the roadway is situated from the top edge of the shoulder on one side of the road to the top edge of the shoulder on the opposite side of the roadway.
- 1.8 "Road right-of-way" means a type of easement granted or reserved by the municipality on all roads within the municipality including the driving surface (paved or gravel) and beyond the driving surface over the land for transportation purposes.
- 1.9 "Sidewalk / Pathway" means that portion of the highway as is set aside by the Township of Essa for the use of pedestrians.
- 1.10 "Voting Location" means a location where voters cast their ballots in accordance with the Municipal Elections Act, the Election Act, or the Canada Elections Act, and shall include the entire property and all boundaries associated with it when such voting location is within a public premises and shall mean the common elements when the voting place is located on private property.
- a) Notwithstanding the above, individual units, and their doors, windows, balconies, etc. shall not be deemed to be common elements on private premises.

2. ADMINISTRATION

- 2.1 This By-law shall be administered by the Clerk or his/her designate.
- 2.2 The Clerk and his/her designate has the delegated authority to review any issue(s) regarding an election sign and decide if any action is needed to uphold the general integrity of this By-law. The Clerk's decision shall be final.

3. SIGN DEPOSIT AND REFUND

- 3.1 Prior to any election sign being affixed, displayed or otherwise erected within the Township of Essa, candidates and registered third party advertisers shall file a deposit fee in the amount of \$300.00.

- 3.2 Deposits shall be submitted to the Clerk and may be paid in the form of cash, debit card or cheque payable to the Township of Essa.
- 3.3 Election sign deposits are due and payable at the time of the filing of candidate nomination/third party registration papers, and prior to the erection of any election signs for any municipal or school board candidates.
- 3.4 The election sign deposit shall be refunded upon the following conditions having been met:
 - a) satisfactory removal of all election signs prior to the expiry timeframe outlined in section 6.4.
 - b) satisfactory adherence to the provisions of this By-law throughout the duration of the campaign period.

All candidates and registered third party advertisers will be advised of this By-law upon the filing of their nomination papers with the Clerk and/or designate.

- 3.5 Election signs shall be removed from all public and private properties in accordance with section 6.4 of this By-law. If not removed within this timeframe, the Clerk shall direct that the signs be removed by staff and the deposit shall be retained by the municipality.
- 3.6 The Clerk's decision to retain the deposit shall be final and not subject to review.
- 3.7 In the event that the deposit is not retained, the Clerk shall direct the Manager of Finance to refund the deposit paid under this By-law to candidates and registered third party advertisers that have adhered to the conditions outlined in section 3.4.
- 3.8 Sign deposits shall be retained by the municipality where candidates or registered third party advertisers are deemed to be "recurring offenders" as a result of non-compliance with provisions of this By-law.

4. GENERAL PROVISIONS

- 4.1 Election signs shall not be affixed, displayed or otherwise erected prior to 45 days from Voting Day in the year of a regular municipal election, or prior to the writ of the election in a federal or provincial election.
 - 4.1.1 In the case of a By-Election, if Nomination Day is less than 45 days prior to Voting Day, no election signs shall be affixed, displayed or otherwise erected prior to Nomination Day.
- 4.2
 - a) The candidate to whom the sign relates shall be responsible for the erection, maintenance and display of the election sign, and shall ensure that all requirements of this By-law are met.
 - b) Registered third party advertisers are required to:
 - i. identify themselves on election signs so that it is clear who is responsible for each election sign;
 - ii. shall comply with all provisions in this By-law; and
 - iii. shall ensure that all election signs contain the mandatory information as outlined in the *Municipal Elections Act*, 1996.

- 4.3 The number of municipal election signs that may be erected on public property are limited to:
- a) Candidates running for Mayor and Deputy Mayor in the Township of Essa are permitted to erect a maximum of 150 election signs on public property throughout the whole of the Township within its municipal boundaries.
 - b) Candidates running for Ward Councillor in the Township of Essa are permitted to erect a maximum of 50 election signs on public property, which shall be placed only within the ward in which the candidate is running.
 - c) Registered Third Party Advertisers are permitted to erect:
 - i. a maximum of 25 signs on public property per Ward - if opposing Mayoral or Deputy Mayoral Candidate, or opposing a question on the ballot
 - ii. a maximum of 25 signs on public property only in the Ward of which the candidate is running that the Registered Third Party Advertiser is supporting/opposing. Third Party Advertisers are required to comply with all provisions within the *Municipal Elections Act* and/or *Canada Elections Act* and/or *Election Act*, and shall be placed in accordance with all provisions outlined in this By-law.
- 4.4 The number of election signs per candidate or registered third party permitted to be placed on private property or in front of private property is limited to the number of street lines abutting the private property.
- 4.5
- a) In a municipal election, no person shall display, affix or erect, or cause to display, affix or erect an election sign except within the ward boundary for which the candidate is running.
 - b) In a provincial or federal election, no person shall display, affix or erect, or cause to display, affix or erect a provincial or federal election sign except within the candidate's riding boundary.
- 4.6 Election signs shall not be affixed, displayed or otherwise erected on private property without the express consent of the owner and/or occupant.
- 4.7 No candidate, registered third party or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law.

5. RESTRICTIONS AND ENFORCEMENT

- 5.1 No election sign face shall be larger than 1.2192 m x 1.2192 m (4ft. x 4ft.).
- 5.2 The maximum election sign height shall be no higher than 1.524 m (5 feet) above grade and shall not interfere with intersection sightline triangles as per Figure 1 (Schedule A).
- 5.3 No candidate, registered third party, or any other person shall affix, erect or display an election sign, or permit an election sign to be affixed, erected or displayed:
- a) At any Voting location;
 - b) Within 45.72 m (150 ft) of any voting location including the parking lot and road allowance leading into any voting location unless the express consent of the Clerk has been granted; or

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- c) On or within a vehicle or trailer parked within 45.72 m (150 ft) of a Voting location.
- 5.4 Illuminated election signs are prohibited.
- 5.5 Election signs erected on private property shall be placed in a location that is not visible from a voting location.
- 5.6 No election sign shall be located within 45.72 m (150 ft) in either direction from the driveway across the frontage of the Essa Administration Centre.
- 5.7 No election sign shall be erected at any designated voting location, including the property and split island facing the Angus Recreation Centre from the road right-of-way at the Mill Street (County Road 90) and County Road 10 intersection, extending to the boundary limits of the Angus Recreation Centre and Nottawasaga Pines Secondary School.
- 5.8 No person shall at any time place an election sign, or cause an election sign to be placed, in any public park or on any property owned or occupied by the Township of Essa or any local board except as permitted by this By-law.
- 5.9 No election signs shall be displayed, affixed or erected:
- a) on a boulevard area or road allowance fronting private property without the express consent of the property owner and/or occupant.
 - b) closer than 1.524 m (5 ft.) from the edge of a roadway.
- 5.10 Regardless of consent having been received by a property owner for the sign location, sight lines shall always be maintained at intersections for all traffic movement directions.
- 5.11 Where a highway or roadway includes a centre median, no election sign shall be affixed, displayed or erected on the centre median between the highway.
- 5.12 Where the road allowance includes a roadside ditch, no election sign shall be erected within 1.524 m (5 ft.) from the edge of the roadway.
- 5.13 No more than two (2) election signs per certified candidate shall be permitted at any one intersection, and no more than one (1) election sign per candidate shall be permitted on any one (1) corner of an intersection.
- 5.14 Notwithstanding any other provisions of this By-law, where a road serves as a boundary between wards, no person shall display an election sign except on the side of the road within the boundaries of the Ward/Riding to which the election sign relates.
- 5.15 No election sign shall be placed on any of the following items located on municipal property or road allowances:
- a) Tree;
 - b) Post;
 - c) Utility pole;
 - d) Fence;
 - e) Attenuation wall; or
 - f) Any other natural or artificial feature that rests on Township property.

- 5.16 No election sign shall:
- a) Obstruct the visibility of any pedestrian or driver, or obstruct the visibility of any traffic sign or device, or interfere with vehicular traffic in any manner;
 - b) Obstruct openings required for light, ventilation, ingress, egress, or firefighting;
 - c) Constitute a danger or hazard to the general public.
- 5.17 No candidate or registered third party advertiser shall affix or erect election signs where the placement of the sign may cause injury or danger to pedestrians or persons utilizing the municipal road system.

6. REMOVAL OF SIGNS

- 6.1 The Clerk and/or designate is hereby authorized to remove signs that portray profanity or unlawful activity, as well as signs that may be offensive or discriminatory as defined in the *Ontario Human Rights Code*.
- 6.2 Where election signs have been erected or affixed in contravention of this By-law, the Township shall:
- a) Notify the candidate or registered third party to repair or remove the sign, or take the necessary action to ensure the election sign complies with the provisions of this By-law within 24 hours; or
 - b) If necessary, remove the election sign after 24 hours of non-compliance and notify the candidate or registered third party advertiser, and maintain a record of the compliance enforcement action.
- 6.3 Election signs removed by municipal staff will be available for retrieval by candidates and registered third party advertisers after Voting Day.
- 6.4 Election signs must be removed within five (5) calendar days following the election. If they are not removed within this timeframe, Township staff will remove the sign(s) and the deposit will be retained by the municipality.
- 6.5 The Township of Essa shall not be liable for any damage or loss of an election sign that was displayed in accordance with this By-law, or that was removed by municipal staff.

7. NOTIFICATION

The Township may notify candidates and registered third party advertisers of infractions and compliance enforcement actions by email.

8. ENFORCEMENT

- 8.1 The provisions of this By-law shall be enforceable by a Municipal Law Enforcement Officer or other such persons appointed by the municipality.
- 8.2 No person shall hinder or obstruct or attempt to hinder or obstruct any person who is exercising a power or performing a duty under this By-law.
- 8.3 Every person who contravenes this By-law is, upon conviction in a court of competent jurisdiction, therefore guilty of an offence and shall be liable to a fine as provided under the Municipal Act, 2001, as amended.

9. SEVERABILITY

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

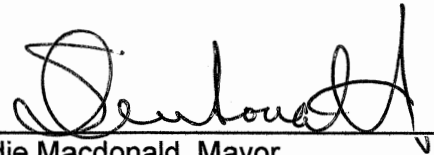
10. FORCE AND EFFECT

10.1 By-law 2018-34 be and is hereby repealed.

10.2 That this By-law shall be cited as the "Election Sign By-law".

10.3 That this By-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of April, 2022.



Sandie Macdonald, Mayor



Lisa Lehr, Manager of Legislative Services

TOWNSHIP OF ESSA

By-law 2022 – 20

**ELECTION SIGN BY-LAW
Schedule 1**

A. Intersection Sightlines

Figure 1

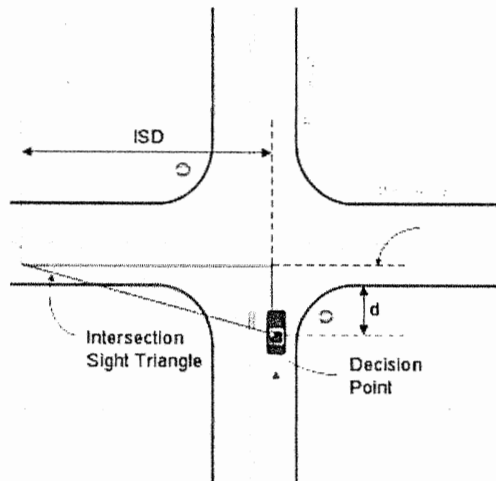


Figure 1. Left turners looking left

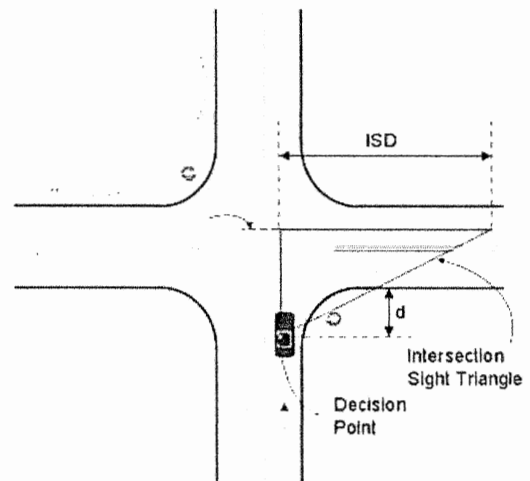


Figure 2. Left turners looking right