

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

BY-LAW NO. 11-2018

A BY-LAW TO REGULATE ELECTION SIGNS WITHIN THE TOWNSHIP OF NORTH STORMONT

WHEREAS pursuant to Section 5 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that a municipal power shall be exercised by by-law;

AND WHEREAS pursuant to Section 8 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, 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 the enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to Section 8 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, 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 pursuant to Section 10 (1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that a municipality may provide any service or thing that the municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS pursuant to Section 10 (2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that a municipality may pass by-laws respecting; 5. Economic, social, and environmental well-being of the municipality; 6. Health, safety, and well-being of persons; 7. Services and things that the municipality is authorized to provide under subsection (1); 8. Protection of persons and property, including consumer protection; 10. Structures, including fences and signs;

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

AND WHEREAS pursuant to Section 63 of the *Municipal Act, 2001, S.O. 2001, c. 25*, 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 any object placed or standing on or near a highway;

AND WHEREAS pursuant to Section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, establishes that any person who contravenes any by-law of The Corporation of the Township of North Stormont is guilty of an offence;

AND WHEREAS pursuant to Section 445 of the *Municipal Act, 2001, S.O. 2001, c. 25*, 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 the contravention;

AND WHEREAS pursuant to Section 446 of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that where a municipality has the authority to direct or require a person to do a matter or things, 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 things by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

AND WHEREAS Council for the Corporation of the Township of North Stormont is of the opinion that the delegation of legislative powers to prescribe procedures are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with Section 23.2 (4) of *Municipal Act, 2001, S.L. 2001, c. 25*;

NOW THEREFORE BE IT RESOLVED That the Municipal Council of the Corporation of the Township of North Stormont enacts as follows:

1. DEFINITIONS

"Act" shall mean the *Municipal Act, 2001, S.O. 2001, c. 25*.

"Advertisement Vehicle" shall mean a vehicle designed for the purpose of displaying an advertisement of goods or services, or a message, travelling on highways and on which messages are temporary and can be easily removed and replaced by another;

"Campaign Office" shall mean a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"Candidate" shall mean:

- 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 Election Act, 1996, as amended;

"Election Sign" shall mean any sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election, including a vehicle with decals and/or lettering and a sign promoting the position of a person registered to campaign with respect to question on a ballot;

"Municipal Authority" shall mean the Clerk, the Deputy Clerk and Municipal Law Enforcement Officer;

"Municipality" shall mean the geographic area located with the Corporation of the Township of North Stormont;

"Owner" shall mean 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 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 the election sign;

"Park" shall mean land and Municipal owned water lots and all portions thereof owned by or made available by lease, agreement, or otherwise to the municipality, that is or hereafter may be established, dedicated, set apart or made available for us as public open space, and that has been or hereafter may be placed under the jurisdiction of the Director including any and all buildings, structures, facilities, erections and improvements located in or on such land;

"Place" shall mean attach, install, erect, build, construct, reconstruct, move, display or affix;

"Public Property" shall mean property that is owned by or under the control of the Corporation of the Township of North Stormont or its agencies, boards, or commissions and includes public highways, and shall be deemed to include public utility poles, regardless of whether the poles are owned by or under the control of the township;

"Public Utility Poles" shall mean a pole owned or controlled by the municipality or another entity which provides a municipal or public utility service, including Bell Canada, Hydro and any subsidiaries thereof;

"Registered Third Party" mean, in relation to an election in a municipality, an individual, corporation or trade union that is registered under section 88.6 *Municipal Elections Act, 1996*;

"Roadway" shall mean the part of a highway that is improved, designed or ordinarily used for vehicular traffic;

"Sidewalk" shall mean any municipal walkway, or that portion of the street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

"Sight Triangle;" shall 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, each such point being 12 M (40 ft) 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 lines. Sight triangles shall apply to all lot lines intersecting and will be applied to both rear and front sight triangles when dealing with a property bounded by three street lines.

"Sign Height" shall mean the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

"Street" or "Highway" shall mean a common and public highway, street, avenue, parkway, driveway access, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof; and have the same meaning as the Highway Traffic Act, as amended;

"Third Party Advertisement" shall mean an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- a) a candidate; or
- b) a "yes" or "no" answer to a question referred to in subsection 8 (1), (2) or (3), of the *Municipal Act, 1996*;

"Vehicle with decals and /or lettering" shall mean a temporary advertisement placed on a private or commercial vehicle and for the purpose of the present by-law shall be considered an election sign;

"Voting Place" shall mean a place where electors cast their ballots as approved by the Federal, Provincial, or Municipal Election Official(s) and;

- i) When a voting place is located on public property, includes any street abutting; or
- ii) When a voting place is located on private property, includes any street abutting.

2. GENERAL

2.1 **THAT** no person shall place or permit to be placed an Election Sign except in accordance with this by-law.

2.2 **THAT** no permit shall be required from the municipality for the erection of election signs.

2.3 **THAT** no person shall place or permit to be placed an election sign:

2.3.1 in the case of a municipal election, prior to the nomination day as set out in the Municipal Elections Act; and

2.3.2 no person shall place or permit to be placed an election sign for a municipal election on a campaign office earlier than the day that Candidate has filed their nomination with the Municipal Clerk.

2.3.3 in the case of a federal or provincial election, prior to the issuance of the writ for the election.

2.4 **THAT** all election signs shall be removed no later than five days following voting day of the election for which the signs were erected or installed.

2.5 **THAT** no person shall place or permit to be placed an election signs that is illuminated.

3. PROHIBITIONS

3.1 **THAT** no person shall place or permit to be placed an election sign on a tree, a public utility pole, and official sign or overhanging a public highway.

3.2 **THAT** no person shall use or cause to be used a mobile sign.

3.3 **THAT** no person shall use or cause to be used an advertisement vehicle.

3.4 **THAT** no person shall use or cause to be used the logo, trademark, official mark, crest, signature, coat of arms owned by the Township of North Stormont in whole or in part, on election signs.

3.5 **THAT** no person shall place or permit to be placed an election sign that is illuminated, has flashing or rotated lights, or simulating any traffic control device.

4. PUBLIC PROPERTIES

4.1 **THAT** no person place or permit to be placed an election sign on any property that is under the financial control of the municipality or any property under the financial control of a partner of the municipality.

4.2 **THAT** no person shall place or permit to be placed an election sign in any public park owned or occupied by the township including road allowance abutting a public park.

4.3 **THAT** no person shall place or permit to be placed an election sign in such a manner that it obstructs the visibility of pedestrians, cyclists or of a motor vehicle, or obstructs a traffic sign or device or in any way interfere with the safe operation of vehicular traffic or the safety of pedestrians.

4.4 **THAT** no person shall place or permit to be placed an election sign within a highway where the election sign is larger than 0.9 square meters (9.6 square feet) and if abutting a build property, without the consent of the owner.

4.5 **THAT** no person shall park a vehicle with decals and/or lettering at one of the premises that is under the financial control of the municipality or any property under the financial control of a partner of the municipality.

4.6 **THAT** no person shall place or permit to be placed an election sign on a highway that is not under the jurisdiction of the municipality without the consent of the authority responsible for the highway.

4.7 **THAT** no person shall place or permit to be place an election sign on or in a Voting Place.

4.8 **THAT** no person shall place or permit to be placed on a roadway; that impedes or obstructs the passage of pedestrians on a sidewalk; between a roadway and sidewalk; in a sight triangle; less than 3 metres of a Crosswalk; on a tree, or a fence or a gate located on public property.

5. PRIVATE PROPERTY

5.1 **THAT** no person shall place or permit to be place an election sign on a private property unless having authorization from the owner.

5.2 **THAT** no person shall place or permit to be place an election sign on a private property in a manner as to obstruct the visibility of motor vehicles coming out from neighbouring properties.

5.3 **THAT** no person shall place or permit to be place an election sign where such sign constitutes a safety hazard to the general public.

5.4 **THAT** no person shall place or permit to be place no more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.

5.5 **THAT** no person shall place or permit to be place no more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.

5.6 **THAT** no person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate to the sign relates or the owner of the property on which the sign is erected.

6. OTHER PROVISIONS

6.1 **THAT** No person shall place or permit to be place an election sign containing heinous messages against another candidate.

6.2 **THAT** No person shall deface or willfully cause damages to a lawfully erected election sign.

7. REMOVAL OF DEROGATORY SIGNS

7.1 **THAT** election signs that are erected in violation of this by-law shall be removed by the candidate within one day of written notification from the municipal authority. Thereafter, it shall be removed by the township and stored at the candidate's expense as per Schedule "A" attached hereto.

7.2 **THAT** the Clerk's decision to ask for or to authorize the removal of an election sign shall be final.

7.3 **THAT** the Clerk's Department shall request the destruction of any election sign that has been seized and has not been claimed and retrieved by the candidate or his/her authorized agent within 15 days after the election.

7.4 **THAT** upon payment of the fees as per schedule "A" attached hereto, election signs shall be returned to the candidate, provided:

7.4.1 the candidate shall be required to contact the Clerk's Department on a business day to make an appointment for the retrieval of the election signs;

7.4.2 no election signs shall be returned on voting day.

7.5 **THAT** the costs incurred by the municipality to remove election signs and the restoration of a site if applicable shall have priority lien status under the Municipal Act, 2001 as amended and may be added to the collector's roll and collected in the same manner as municipal taxes. In addition, the cost incurred by the township is a debt and may be recovered in any court of competent jurisdiction.

8. PENALTIES

8.1 Any person who contravenes any provision of the by-law is guilty of an offence and, upon conviction, is liable to the penalties specified by the Provincial Offences Act, as amended.

9. LIABILITY

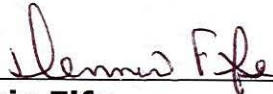
9.1 The provisions of the By-Law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such

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 Corporation of the Township of North Stormont, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any sign.

THAT the Clerk of the Township of North Stormont is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-Law and schedule, after the passage of this By-Law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

THAT this by-law shall come into force and take effect on the date of the passing thereof.

READ A FIRST, and second time, passed, signed and sealed this 13, day of March 2018.

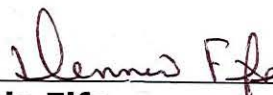


Dennis Fife
Mayor



Marc Chénier
Chief Administrative Officer/Clerk

READ A THIRD time, passed, signed and sealed this 27, day of March 2018.



Dennis Fife
Mayor



Marc Chénier
Chief Administrative Officer/Clerk

SCHEDULE "A" – BY-LAW NO. 11-2018

Sign	Fees
Retrieval of election sign erected prior to nomination day	\$100.00 per sign
Retrieval of election sign during election period	\$ 50.00 per sign
Retrieval of election sign after voting day	\$100.00 per sign