

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 16-2022

**BEING A BY-LAW TO REGULATE ELECTION SIGNS IN THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

WHEREAS Section 11(3), paragraph 7 of the *Municipal Act, S.O. 2001, as amended*, states that a Municipality may pass By-laws respecting signs; and

WHEREAS Section 99(2) and 99(3) of the *Municipal Act, S.O. 2001, c. 25 as amended*, provides that the Municipality may enter land and remove signs at the expense of the owner of the sign if it is erected or displayed in contravention to this By-law; and

WHEREAS Section 425 of the *Municipal Act, S.O. 2001, c. 25 as amended*, establishes that any person who contravenes any By-law of the Corporation of the Municipality of Arran-Elderslie is guilty of an offence;

WHEREAS Section 88.3 of the *Municipal Elections Act, 1996, as amended*, sets out requirements for Candidates' election campaign advertisements;

WHEREAS the Corporation of the Municipality of Arran-Elderslie recognizes the importance of free speech and political campaigning as supported by the *Municipal Elections Act, 1996, as amended*;

WHEREAS Council of the Corporation of the Municipality of Arran-Elderslie deems it expedient to enact a By-law to regulate the placement of election signs;

AND FURTHER WHEREAS the Corporation of the Municipality of Arran-Elderslie deems it necessary to enact regulations to:

- i. Achieve clarity of the position and consistency of approach for placement of election signs and election campaign advertisements within the jurisdiction of the Corporation of the Municipality of Arran-Elderslie.
- ii. Enable the issue to be applied consistently and equitably to all candidates and third-party advertisers.
- iii. Minimize any threat to public safety from the placement of election signs.

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE ENACTS AS FOLLOWS:

1. Definitions

- 1.1 "Banner Flag Sign" means a sign made from non-rigid, lightweight materials, which is attached to and projects out horizontally in a predominantly perpendicular manner and used primarily for attracting attention.
- 1.2 "Banner Sign" means a sign made from non-rigid, lightweight materials which is secured or mounted to a building or structure by its ends or corners.
- 1.3 "By-law Enforcement Officer" means a commissionaire assistant or any other officer appointed by the Municipality of Arran-Elderslie to

enforce or carry out the provisions of this By-law or any parts thereof;

- 1.4 “Candidate” shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, S.O. 1996, c.32, 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, S.O. 1996, c.32.
- 1.5 “Campaign office sign” means any sign containing information which solely identifies the name of a candidate in a federal, provincial or municipal election, and/or the location of a candidate’s campaign office, and contains no other message;
- 1.6 “Clerk” means the Clerk of the Municipality.
- 1.7 “Election day” means the day on which the final vote is to be taken in a federal, provincial or municipal election;
- 1.8 “Election sign” means any sign as defined in this By-law that:
- i. Advertises or promotes a candidate in a federal, provincial or municipal election and shall include school board trustees; or
 - ii. That uses words, pictures or graphics, or any combination thereof intended to influence persons to vote for or against any questions or By-law submitted to the electors under Section 8 of the *Municipal Elections Act, 1996, c.32*.
- 1.9 “Election Sign Owner” shall be the Candidate or Third-Party Advertiser who has approved or created the election sign.
- 1.10 “Electronic Sign” means an electronically and/or computer-controlled sign, or part thereof, which displays illuminated copy and graphic information in a pre-arranged sequence for continuous scrolling or flashing display or other form of animation.
- 1.11 “Inflatable Sign” means a sign or advertising device designed to be inflated with air or gas and may be designed to be airborne and tethered to the ground, water, a building or structure.
- 1.12 “Motorized Sign” means a sign designed with motorized movement.
- 1.13 “Municipality” means the Municipality of Arran-Elderslie.
- 1.14 “Municipal Logo” means the current logo of the Municipality of Arran-Elderslie which is displayed on the Municipal website, social media platforms, letterhead, signage or equipment and vehicles owned by the Municipality of Arran-Elderslie.
- 1.15 “Nomination Day” means the date in which nominations open in an election year;
- 1.16 “Poster Sign” means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, handbill, leaflet, notice, and placard;
- 1.17 “Public Property” means property owned, leased or maintained by the Municipality of Arran-Elderslie.

- 1.18 "Road Allowance" means any Municipal, County or Provincially owned land open and maintained as a public highway, including sidewalks, bridges, multi-use trails and other portions of land within the road allowance designed and intended for, or use by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of the road allowance.
- 1.19 "Third Party Advertiser" means an individual, corporation or trade union who has filed with the Clerk of the Municipality responsible for conducting an election a Notice of Registration to be a registered third party for the election as in Section 8.6 (1) of the *Municipal Elections Act, 1996*, as amended.
- 1.20 "Third Party Advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting, or opposing:
- 1.20.1 A candidate, or
- 1.20.1.1 A "yes" or "no" answer to a question referred to in Subsection 8(10, (2) or (3) of the *Municipal Elections Act, 1996*, as amended, but does not include an advertisement by or under the direction of a candidate or an advertisement described in Section 1, subsection (2) or (2.1) of the *Municipal Elections Act, 1996*, as amended.

2. General

- 2.1 No person shall place or display, or cause or permit to be placed or displayed, an election sign, except in accordance with the provisions of this By-law.
- 2.2 No person shall erect or display elections sign on private property without the consent of the owner or occupant of the property.
- 2.3 Section 88.3(2) of the *Municipal Elections Act, 1996*, as amended, sets out that an election campaign advertisement purchased by or under the direction of a candidate, shall identify the candidate.
- 2.4 No person shall pull down or remove a lawfully erected election sign without the consent of the candidate to which the election sign relates or the owner of the property on which the election sign is erected.
- 2.5 No person shall deface or willfully cause damage to a lawfully erected election sign.
- 2.6 No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licenced by the Municipality.
- 2.7 No person shall place or permit a sign to be placed:
- a. That is illuminated, animated rotates or has flashing lights;
 - b. On a tree, utility pole, municipal, County or Provincial sign or post or light standard, utility box, planter, bench, waste receptacle, newspaper box or mail box;
 - c. At a voting location or voting help centre;

- d. On a vehicle that is parked at any voting location;
- e. On a street in front of a voting location;
- f. Within one hundred (100) metres of a voting location;
- g. Within fifteen (15) metres of any intersection of public roads within the Municipality;
- h. That has exceeded a height of one (1) metre;
- i. To obstruct the safe operation or visibility of vehicular traffic, cyclists, or pedestrians, and must not obstruct sightlines; and
- j. Without the consent of the candidate to whom the sign relates or the registered third-party advertiser responsible for the outsider election sign.
- k. On any property that is owned, leased or maintained by the Municipality of Arran-Elderslie including, but not limited to:
 - i. Municipal Office
 - ii. Fire Halls
 - iii. Public Works Yards
 - iv. Community Centres
 - v. Public Libraries
 - vi. Municipal Parks (ball diamonds etc)
 - vii. Vacant Lots owned by the Municipality

2.8 Subsection 2.2 (a) and (h) do not apply to a campaign office sign.

2.9 Not more than one (1) election sign per candidate shall be placed on a lot at any one time.

2.10 An election sign may only be placed with the consent of the owner of the lot.

2.11 The candidate and the registered third party to whom an election sign relates shall be responsible for the placement or display of the election sign and shall ensure that all the requirements of this By-law have been met.

3. Campaign Office Signs

3.1 No person shall place a campaign office sign unless it complies with the following requirements:

- a. The campaign office sign is placed on a campaign office;
- b. No more than one (1) campaign office sign is placed at a campaign office;
- c. The campaign office sign does not interfere with the safe operation of motor vehicular traffic, cyclists, and with the safety of pedestrians, and must not obstruct visibility or block sightlines; and
- d. The campaign office sign is placed in accordance with any requirement imposed by the Chief Building Official in relation to

the *Building Code Act* or any other By-laws that may be in place.

4. Road Allowances

4.1 No person shall place an election sign, or cause an election sign to be placed on a road allowance if the election sign or any portion thereof is:

- a) On or over a roadway or sidewalk.
- b) Within the sight triangle at the intersection of two roadways.
- c) Located on any centre median, traffic island or centre boulevard within a road allowance.
- d) Greater than 1.5 m² in sign face area.
- e) Greater than 1.25 m in height.
- f) Not mounted on its own support affixed and secured directly to the ground.
- g) In any location described in Section 2.7 of this By-law.

4.2 Every person who places an Election Sign on a municipal road allowance shall comply with the following requirements:

- a) The sign does not impede the necessary sightlines of motorists, Municipality's snowplowing or grass cutting operations, or access to a private drive;
- b) The sign does not cause any other immediate safety issue.

5. Sign Removal and Violations

5.1 Any election sign found to be in violation of this By-law is subject to removal by the Municipality and any such signs shall be stored up to ten (10) days after the Election Day;

5.2 A candidate, or any person acting on the behalf of a candidate, or a registered third party may retrieve a sign stored by the Municipality, but the Municipality may, without notice or compensation to any person, destroy or otherwise dispose of any election sign that has not been retrieved within the aforementioned period; and

5.3 The sign removal fee shall be \$ 20.00 per election sign;

5.4 If an election sign is removed in accordance with this By-law, the candidate or registered third party to whom the election sign relates will be charged in accordance with the amount outlined in clause 5.3;

5.5 The sign removal fee, as outlined in clause 5.3 will be waived if the candidate or registered third party provides an affidavit indicating that neither the candidate or registered third party nor, to the best of the candidate's or registered third party's knowledge, was responsible for the unlawful placement or display of the election sign;

5.6 The Municipality shall notify the candidate or registered third party of the costs incurred to remove the signs, and they shall have five (5) days after the date that the notice is received to pay the outstanding costs of removal per sign in accordance with clause 5.3.

- 5.7 The Municipality shall not be liable for any damage or loss of an Election Sign that was displayed in accordance to this By-law or that was removed by the Municipality pursuant to the provisions of this By-law.
- 5.8 If the Manager of Public Works or their designate determines that the location of an election sign is in contravention to this By-law, they may remove the sign.
- 5.9 Election signs not reclaimed within 10 days, may be disposed of by the Municipality without compensation to the owner of the sign.

6. Timing

- 6.1 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;
- 6.2 No person shall place, or permit to be placed, an election sign for a municipal election, except an election sign which is placed on a campaign office:
 - a) Earlier than nomination day in the year of a regular election; or
 - b) Earlier than nomination day for a by-election.
- 6.3 The owner shall remove their election sign within two (2) days immediately following 11:59 p.m. of the day of the election.

7. Short Title

This By-law may be referred to as the "Election Sign By-law".

8. Enforcement

- a) Where a person is directed or required by this By-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at the person's expense, and such expense may be recovered by action or as Municipal Taxes in the manner prescribed by the Municipal Act.
- b) Every person who contravenes any provision 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.

9. That Schedule "A" shall form part of this By-law.

10. That By-law 17-2018 is hereby rescinded.

READ a FIRST and SECOND time this 28th day of February, 2022.

READ a THIRD time and finally passed this 28th day of February, 2022.

Original Signed by

Steve Hammell, Mayor

Original Signed by

Christine Fraser-McDonald, Clerk