

The Corporation of The Town of
New Tecumseth

By-law

Number 2022-019

“Election Sign By-law”

A by-law to regulate Election Signs

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

And Whereas the Municipal Act 2001, s. 11 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 the Municipal Act 2001, s. 11 (3) 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;

Now Therefore the Council of The Corporation of The Town of New Tecumseth enacts as follows:

1. Definitions

- 1.1 "Canada Elections Act" means the federal statute cited as the Canada Elections Act, S.C. 2000, c.9, as amended.
- 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 "Clerk" refers to the Clerk of the Corporation of The Town of New Tecumseth or designate.
- 1.4 "Election Act" means the Ontario provincial statute cited as the Election Act, R.S.O. 1990, c.E.6, as amended.
- 1.5 "Election Sign" means any surface or structure, and their component parts, which are used or 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 the electors.

- 1.6 "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;
- 1.7 "Municipal Elections Act" means the Ontario provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.
- 1.8 "Recurring Offenders" means any Candidate or Registered Third Party Advertiser who has an Election Sign removed on three or more separate occasions by the Town as a result of violations of this by-law.
- 1.9 "Registered Third Party Advertiser" means, any person or entity, including but not limited to a corporation or trade union who is not a registered candidate, political party, or constituency association and who incurs expenses with respect to:
 - a) A question, law or by-law submitted to the electors;
 - b) An issue associated with a person or political party participating in an election; or
 - c) A candidate or political party participating in an election under the Canada Elections Act, the Election Act, or the Municipal Elections Act.
- 1.10 "Sidewalk/pathway" means that portion of a highway as is set aside by the Town of New Tecumseth for the use of pedestrians.
- 1.11 "The Town" means the Corporation of The Town of New Tecumseth.
- 1.12 "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 Town Clerk.
- 2.2 The Town Clerk has the delegated authority to review any issue regarding an Election Sign and decide if any action is needed to uphold the general integrity of this by-law. The Town 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 Town in a municipal election, Candidates and Registered Third Party Advertisers shall file a deposit fee with the Clerk in the amount of \$300.00.

- 3.2 Deposits may be paid in the form of cash, debit card or certified cheque payable to the Town.
- 3.3 Election Sign deposits are due and payable prior to any Election Signs being affixed, displayed or otherwise erected within The Town.
- 3.4 The deposit will be refunded upon satisfactory adherence to the provisions of this by-law throughout the campaign period.
- 3.5 The Clerk's decision to retain the deposit shall be final and not subject to review.
- 3.6 In the event that the deposit is not retained, the Clerk shall direct a refund of the deposit paid under this by-law following the end of Voting Day.
- 3.7 Recurring Offenders will forfeit their right to have their deposit returned.

4. General Provisions

- 4.1 No Election Sign shall be erected prior to 45 calendar days before Voting Day in the year of a regular municipal election, or prior to the writ of the election in a federal or provincial election.
- 4.2 No Election Sign shall be erected prior to Nomination Day for a municipal by-election, if Nomination Day is less than 45 calendar days prior to Voting Day, or prior to the writ of the election in a federal or provincial by-election.
- 4.3 Election Signs may not be erected on private property without the express consent of the owner and/or occupant.
- 4.4 Registered Third Party Advertisers are required to identify themselves on Election Signs so that it is clear who is responsible for each Election Sign.
- 4.5 No Election Sign shall be displayed except within the ward/riding boundary applicable to that Election Sign. Notwithstanding any other provisions of this by-law, where a road serves as the boundary between wards/ridings, no Election Sign shall be displayed except on the side of the road within the boundaries of the ward/riding to which the Election Sign relates.
- 4.6 The number of Election Signs per Candidate or Registered Third Party Advertiser permitted to be placed on private property or in front of private property can be no more than the number of street lines abutting the private property.
- 4.7 Every Candidate shall ensure that Election Signs associated with a federal or provincial election are erected or installed in accordance with the Canada Elections Act (Federal) or Election Act (Provincial).
- 4.8 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.
- 4.9 No Election Sign shall be larger than 1.2m x 1.2m (4ft. x 4ft.) and

the maximum sign height shall be 1.5m (5ft) above grade.

- 4.10 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 the Voting Location;
 - b) On or within a vehicle or trailer parked within 50 metres of the voting location.
- 4.11 No person shall at any time place an Election Sign, or cause an Election Sign to be placed, on any Town owned property, except as permitted by this by-law.
- 4.12 No Election Signs shall be erected in a road allowance fronting private property without the express consent of the abutting property owner and/or occupant. Candidates and Registered Third Party Advertisers may be required to produce proof of written consent from the property owner/occupant to the Clerk within 24 hours upon request.
- 4.13 Where a highway includes a center median, no Election Sign shall be erected on the center median between the highway.
- 4.14 No Election Signs shall be erected closer than 2.1 m (7ft) from the edge of a highway.
- 4.15 No Election Sign shall:
 - a) Be in or on a vehicle on Town property;
 - b) Display or make use of the Town's logo;
 - c) Be illuminated or incorporate changing colours or lights;
 - d) Make use of visible moving parts or visible mechanical movement of any description;
 - e) Be placed on the following Town property:
 - I. Trees;
 - II. Posts;
 - III. Utility Poles;
 - IV. Fences; or
 - V. Any other natural or artificial feature that rests on Town property.
- 4.16 No Election Sign shall:
 - a) Obstruct the visibility of any pedestrian or driver, or obstruct the visibility of any traffic device, or interfere with vehicular or pedestrian traffic in any manner;
 - b) Obstruct openings required for light, ventilation, ingress, egress, or emergency services;
 - c) Constitute a danger or hazard to the public.
- 4.17 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 4.18 No person shall remove or relocate an Election Sign other than the Candidate or Registered Third Party Advertiser it belongs to, or Municipal Law Enforcement Officers in accordance with this by-law.

5. Removal of Signs

- 5.1 Where an Election Sign is in violation of 4.16, the Election Sign will be removed immediately by the Town without prior notice to the Candidate or Registered Third Party Advertiser and the Candidate or Registered Third Party Advertiser will thereafter be given notice of the removal.
- 5.2 Where Election Signs have otherwise been erected in contravention of this by-law, the Town:
 - a) Will notify the Candidate or Registered Third Party Advertiser to remove the Election Sign or take the necessary action to ensure the Election Sign complies with the provisions of this by-law within 24 hours;
 - b) Will, if necessary, remove the Election Sign after 24 hours of non-compliance, notify the Candidate or Registered Third Party Advertiser, and maintain a record of the compliance enforcement action.
- 5.3 Removed Election Signs will be available for retrieval by Candidates and Registered Third Party Advertisers after Voting Day.
- 5.4 Election Signs must be removed within five (5) calendar days following the election. If they are not removed within this time frame, Town staff will remove the Election Signs and the deposit will be retained by the Town.
- 5.5 The Town 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 a Municipal Law Enforcement Officer.

6. Notification

- 6.1 The Town may notify Candidates and Registered Third Party Advertisers of infractions and compliance enforcement actions by email.

7. Enforcement

- 7.1 The provisions of this by-law shall be enforceable by a Municipal Law Enforcement Officer, or other such persons appointed by the Municipality.
- 7.2 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.
- 7.3 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.

8. Repeal

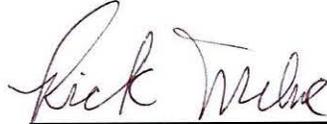
- 8.1 That By-law 2018-061 is hereby repealed.

9. Force and Effect

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

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

Read a first, second and third time and finally passed this 7th day of March, 2022.



Mayor



Clerk