

THE CORPORATION OF THE TOWN OF  
NEW TECUMSETH

**BY-LAW**

*Number 2018-061*

**“ELECTION SIGN BY-LAW”**

A by-law to regulate Election Signs

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**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c.25, s. 99 provides the Council of a local municipality authority to pass by-laws for prohibiting or regulating advertising devices including Signs within the municipality;

**AND WHEREAS** the Council of The Corporation of The Town of New Tecumseth deems it necessary and expedient to regulate the erection, display, location and use of Election 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.
- 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 and includes posters, billboards, advertising devices, and notices which promote, oppose, or take a position with respect to:
  - a) A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, or the Municipal Elections Act;
  - b) An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act, or the Municipal Elections Act; or,
  - c) A Candidate or political party participating in an election under the Canada Elections Act, the Election Act, or the Municipal Elections Act.
- 1.6 **“Municipal Elections Act”** means the Ontario provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.
- 1.7 **“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.
- 1.8 **“Registered Third Party Advertiser”** means, in relation to an election

in a municipality, an individual, corporation, or trade union that is registered under Section 88.6 of the Municipal Elections Act.

1.9 “**The Town**” means the Corporation of The Town of New Tecumseth.

1.10 “**Voting Location**” means a location designated in accordance with the Municipal Elections Act, the Election Act, or the Canada Elections Act where voters cast their ballots.

## **2. ADMINISTRATION**

2.1 This by-law shall be administered by the Town Clerk.

## **3. SIGN DEPOSIT AND REFUND**

3.1 Prior to any Election Sign being 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 at the time of the filing of Candidate nomination/third party registration papers and prior to the erection of any Election Signs.

3.4 The deposit will be refunded upon satisfactory adherence to the provisions of this by-law throughout the campaign period.

3.5 Election Signs shall be removed within five (5) calendar days following an election.

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 a refund of the deposit paid under this by-law following the end of Voting Day.

3.8 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 prior to 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 Candidates and 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 private property 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 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).

## **5. RESTRICTIONS AND ENFORCEMENT**

- 5.1 No Election Sign shall be larger than 1.2m x 1.2m (4ft. x 4ft.) or erected where the bottom of the Election Sign is higher than 1.5m (5 ft).
- 5.2 No Election Sign shall be located within 45.7m (150 ft.) of any Voting Location, including the parking lot and road allowance in front of any Voting Location.
- 5.3 Election Signs erected on private property shall be placed in a location that is not visible from a Voting Location.
- 5.4 No Election Sign in a municipal election shall be located within 45.7m (150 ft.) of the Town's Administration Centre.
- 5.5 No person shall at any time place an Election Sign, or cause an Election Sign to be placed, on any Town owned property other than road allowances, except as permitted by this by-law.
- 5.6 No Election Signs shall be erected in a road allowance fronting private property without the express consent of the 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.
- 5.7 Where a road allowance includes a roadside ditch, no Election Sign shall be erected on the portion of the road allowance between the roadside and the ditch.
- 5.8 Where a road allowance includes two or more separate roadways, no Election Sign shall be erected on the portion of the road allowance between each roadway.
- 5.9 No Election Signs shall be erected closer than 2.1m (7ft) from the edge of a roadway.
- 5.10 No more than two (2) Election Signs per Candidate or Registered Third Party Advertiser shall be permitted at any one intersection; these Election Signs shall not be erected on the same corner of the intersection.
- 5.11 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:
  - a. Trees;
  - b. Posts;
  - c. Utility Poles;
  - d. Fences; or
  - e. Any other natural or artificial feature that rests on Town property.

5.12 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.

5.13 No person shall deface or willfully cause damage to a lawfully erected Election Sign.

5.14 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.

## 6. REMOVAL OF SIGNS

6.1 Where an Election Sign is in violation of 5.12, 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 be given notice of the removal.

6.2 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.

6.3 Removed Election Signs will be available for retrieval by Candidates and Registered Third Party Advertisers after Voting Day.

6.4 In accordance with provision 3.5 of this by-law, 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.

6.5 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.

## 7. NOTIFICATION

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

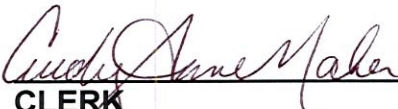
**8. FORCE AND EFFECT**

- 8.1 That this by-law shall be cited as the "Election Sign By-law".
- 8.2 This by-law shall delete section 20.4 of the existing Town Sign By-law No. 2010-014.
- 8.3 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 7<sup>th</sup> DAY OF MAY, 2018.**

  
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**MAYOR**

  
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**CLERK**