

# The Corporation of the Township of Huron-Kinloss



## BY-LAW

2022-23

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### Being a By-Law to Regulate Election Signs within The Township of Huron-Kinloss

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**WHEREAS** pursuant to the said *Municipal Act*, Section 8 (1) and 9 provide that the powers of a municipality under this or any other 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 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 authorizes a lower tier municipality to pass By-laws respecting matters within the sphere of jurisdiction of structures, including fences and signs;

**AND WHEREAS** the Council of The Corporation of the Township of Huron-Kinloss deems it desirable to enact a By-law to regulate election signs;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows:

#### 1.0 Definitions

**“By-Law Enforcement Officer”** means the By-Law Enforcement Officer of the Corporation of the Township of Huron-Kinloss.

**“Candidate”** shall have the same meaning as in the Canada Elections Act, the Elections Act (Ontario) or the Municipal Elections Act, 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.

**“Erect”, “Erected” and “Erection”** means attached, altered, built, constructed, reconstructed, enlarged or moved but does not include copy changes on any sign.

**“Election Sign”** means:

- a. any sign advertising or promoting the election of a political party or of any candidate standing for public office;
- b. any sign intended to influence persons to vote for or against any candidate or any question or By-law submitted to the electors in accordance with the Canada Elections Act, the Elections Act (Ontario) or the Municipal Elections Act.

**“Owner”** means a person or their authorized agent in lawful control of the premises, building, occupancy, sign or other structure or portion thereof under consideration.

**“Registered Third Party Advertiser”** means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the Municipal Elections Act, 1996, as amended.

**“Road Allowance”** means any Provincial, County or Municipal owned land open and maintained as a public highway, including sidewalks, bridges, multiuse trails, and other portions of land within the road allowance designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of the road allowance.

**“Roadway”** means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic and includes the gravel shoulder of the road.

**“Sign”** means a display board, electronic display, screen, cloth or structure having characters, letters or illustration applied thereto or displayed thereon in any manner, including signs within a building visible from the street, and shall include the posting or painting or an advertisement or a notice on a building or structure advertising a place of business, product, activity, or a special happening.

**“Site Triangle”** means the triangular space formed 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 6m 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 line or the intersection of the tangents to the street lines.

**“Township”** means the Corporation of the Township of Huron-Kinloss

**“Voting place”** means the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean of the common elements when the voting place is located on private premises and may also include an information centre.

## **2.0 General Provisions**

- 2.1 No person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- 2.2 The candidate to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this By-law have been met.
- 2.3 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.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected election sign.
- 2.5 No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Township.
- 2.6 No person shall erect an election sign for a candidate other than for a candidate who is being elected to represent the electors of the Township.

## **3.0 Prohibited**

- 3.1 No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
  - on a utility pole, light pole, traffic sign or device, utility box, tree, planter, bench, waste receptacle, newspaper box or mailbox located on a road allowance;
- 3.2 At any location where the election sign:
  - obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device, or where it may interfere with vehicular traffic potentially endangering any person;
  - constitutes a danger or hazard;

- that is illuminated, animated or rotating;
- on all Township owned land within the Township of Huron-Kinloss excluding road allowances;
- at any time on any election voting day, including those days when advance election voting is held, place an election sign, or cause an election sign to be placed on any premises used as a polling place or information centre for an election.

#### **4.0 Road Allowance**

- 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:
- on or over a roadway or sidewalk;
  - within the sight triangle
  - located on any centre median, traffic island or centre boulevard within a road allowance;
  - not mounted on its own support affixed and secured directly to the ground;

#### **5.0 Mandatory Information on Election Signs and Advertisements**

- 5.1 All Parties, including candidates, shall comply with the sign and advertisement requirements set out in Section 88 of the Municipal Elections Act as amended.
- 5.2 Mandatory Information – Candidates  
All Election signs and Advertisements purchased by or under the direction of a candidate shall identify the candidate.
- 5.3 Mandatory Information – Registered Third Party Advertisers  
All Registered Third Party shall contain the following information:  
- the name of the registered third party  
- the municipality where the registered third party is registered  
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

#### **6.0 Election Signs on Private Property**

- 6.1 No person shall erect an election sign on private property:
- without the consent of the owner or tenant of the property;
  - if the sign is deemed to interfere with the safe operation of vehicular traffic or with the safety of pedestrians;

#### **7.0 Timing**

- 7.1 No candidate or agent or Registered Third Party Advertiser or agent or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed or otherwise displayed prior to the day after Nomination Day of a municipal election.
- 7.2 An election sign shall be removed within 7 days immediately following the day of the election.

#### **8.0 Removal of Unlawful Election Sign**

- 8.1 Where an election sign has been affixed, erected or otherwise displayed on a road allowance or on property owned by the Township, in contravention of any provision of this By-law, the By-law Enforcement Officer, or any other individual designated by the Clerk of the Municipality, may cause the election sign to be removed immediately without notice and further action may be taken as provided in this By-law.
- 8.2 Signs that have been removed shall be stored by the Township for a maximum of ten (10) days during which time the owner of the sign or the owner's agent may retrieve the sign.

8.3 Any election sign that is stored by the Township for more than ten (10) days and not retrieved by the owner of the sign or their agent within that period of time may be destroyed or otherwise disposed of by the Township without notice and without compensation to the owner of the sign.

**9.0 Liability**

9.1 The provisions of this 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 negligence or willful acts of such person, or their 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 Township, its officers, employees, servants, agents and contractors, any responsibility or liability whatsoever by reason of the removal of any sign.

**10.0 Enforcement – Provincial Offences Act**

10.1 Where any 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*.

10.2 Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the *Provincial Offences Act*.

**11.0 Conflict**

11.1 In the event of a conflict between this By-law and the provisions of another By-law of the Township regulating signage, the provisions of this By-law shall prevail.

**12. Other**

This by-law shall come into full force and effect upon final passage.

This by-law may be cited as the “Election Sign By-Law”

**READ a FIRST and SECOND TIME** this 22<sup>nd</sup> day of February, 2022.

**READ a THIRD TIME and FINALLY PASSED** this 22<sup>nd</sup> day of February, 2022.

Original signed by Don Murray

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Don Murray Deputy Mayor

Original signed by Emily Dance

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Emily Dance, Clerk