

# THE CORPORATION OF THE TOWN OF SHELBURNE

## BY-LAW NUMBER 15-2022

### Being a by-law to manage and regulate election signs and election campaign advertisements including third party advertising within the Town of Shelburne

**WHEREAS** subsection 11(3), paragraph 1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Shelburne to pass by-laws respecting highways over which it has jurisdiction; and,

**WHEREAS** subsection 11(3), paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Shelburne to pass by-laws respecting signs; and,

**WHEREAS** subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Shelburne, if it passes a by-law for prohibiting or regulating the placing of an object on a highway, to provide for the removal of any object placed on a highway in contravention of that by-law; and,

**WHEREAS** section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of The Corporation of the Town of Shelburne is guilty of an offence; and

**WHEREAS** Section 88.3 of the municipal Elections Act, 1996 as amended sets out requirements for Candidate's election campaign advertisements; and

**WHEREAS** Section 88.4, 88.5 and 88.6 of the Municipal Elections Act, 1996, as amended sets out the requirements for Third Party advertisements and the requirements for Third Party Advertisers to register with the municipality; and

**FURTHER WHEREAS** the Corporation of the Town of Shelburne deems it necessary to enact regulations to:

- a) Achieve clarity of the position and consistency of approach for the display of election signs and election campaign advertisements within the jurisdiction of the Corporation of the Town of Shelburne;
- b) Enable the issue to be applied consistently and equitably to all candidates and third party advertisers;
- c) Minimize any threat to public safety from the placement of election signs.

**NOW THEREFORE** the Municipal Council of The Corporation of the Town of Shelburne enacts as follows:

### 1. Short Title of By-Law

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

### 2. Definitions

In this By-law:

**"Billboard Sign"** means an outdoor Sign maintained by a Person engaged in the sale or rental of space on the Sign to a client, advertising a business, activity,

goods, products, services, or facilities that are offered at a location different from that where the sign is located.

**“Campaign Office”** means a building or structure, or part of a building or structure, used by a Candidate or Registered Third Party.

**“Canada Elections Act”** means the federal statute cited as the Canada Elections Act, S.C. 2000, c.9, as amended.

**“Candidate”** means a person who has been nominated under the Canada Elections Act, the Election Act, or the Municipal Elections Act.

**“Clerk”** means the Clerk/Returning Officer for the Town or their designate.

**“Council”** means the Council of the Corporation of the Town of Shelburne.

**“Election Act”** means the Ontario provincial statute cited as the Election Act, R.S.O. 1990, c.E.6, as amended.

**“Election Sign”** means any sign as defined in this by-law that:

- a) advertises or promotes a candidate in a federal, provincial, or municipal election or by-election and shall include school board trustees; or
- b) that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or bylaw submitted to the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32.

**“Enforcement Officer”** means a person appointed by Council as a municipal law enforcement officer and shall also include an officer of the Ontario Provincial Police Service.

**“Fascia Sign”** means a sign applied to or erected on and entirely supported by the wall of a building or structure.

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, sidewalk, and includes any bridge, trestle, viaduct, or other structure forming part of the highway and includes the boulevard strip between a sidewalk and the curb and any area between the lateral property lines of the highway.

**“Intersection Signal”** means traffic control signals and/or a stop sign.

**“Municipal Elections Act”** means the Ontario provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

**“Park”** means any land or premises under the control and/or ownership of the Town for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land.

**“Person”** means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, or Trade Union.

**“Place”** means to: attach, install, erect, build, construct, reconstruct, move, display or affix., “places,” “placing” and “placed” shall have the same meaning.

**“Private Property”** means real property that is not a highway or public property.

**“Public Property”** means real property owned, leased, or under the control of the Town, Dufferin County, provincial government, federal government or any of their respective agencies, boards, or commissions, but does not include a highway. for the purpose of this by-law, public property also includes public utility poles, regardless of whether the poles are owned by or under the control of the town and shall also be deemed to include bus shelters, municipal garbage containers or other structures, located on a highway regardless of whether the Town owns the shelters, containers, or structures.

**“Registered Third Party”** means any person whose notice of registration is certified with the Clerk pursuant to section 88.6 of the Municipal Elections Act:

**“Roadway”** means that part of a Highway that is improved, designed, or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs, and gutters.

**“School Crossing”** means any portion of a Highway designated by by-law of the Town, indicated as a school zone by signs on the Highway as prescribed by the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended from time to time.

**“Sidewalk”** means that part of a Highway with a surface that is improved, designed, or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path or trail.

**“Sight Triangle”** means in the case of a corner lot, the triangular space formed by the intersecting street lines and a line drawn from a point in one street line to a point in the other street line, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines, as depicted in Diagram 1 in Schedule ‘A.’

**“Sign”** means any surface, structure, and other 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 or notices.

**“Third Party Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting, taking a position, or opposing:

- a) a candidate or political party participating in an election under the Canada Elections Act, the Election Act, or the Municipal Elections Act;
- b) a question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, or the Municipal Elections Act;
- c) 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
- d) signs placed by a registered third party.

**“Town”** means The Corporation of the Town of Shelburne.

**“Town Logo or Wordmark”** means the official logo, wordmark, symbol, insignia, coat of arms adopted by or created by the Town of Shelburne.

**“Trade Union”** means a trade union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a Central, Regional or District Labour Council in Ontario.

**“Vehicle”** includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled, or driven by any kind of power, including muscular power.

**“Voting Day”** means the day on which the final vote is to be taken in an election.

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

- a) when a voting location is located on public property, it includes all of the area enclosed by the lot lines of the property and any highway that abuts the property; and,
- b) when a voting location is located on private property, it includes all of the area enclosed by the lot lines of the property, all common elements, and any highway that abuts the property.

### **3. General Prohibitions**

- 3.1 No person shall cause or permit an election sign to be placed, installed, erected except in accordance with this by-law.
- 3.2 No person shall cause or permit third party advertising without registering with the Clerk.
- 3.3 No person shall cause or permit a lawfully erected election sign to be pulled down, moved, removed, altered, defaced, or willfully cause damage except:
  - a) the candidate to whom the sign relates; or
  - b) the owner or occupant of the property upon which the sign is erected; or
  - c) the registered third party to whom the sign relates; or
  - d) the Clerk; or
  - e) an enforcement officer.
- 3.4 No person shall cause or permit an election sign to be placed that:
  - a) is illuminated, has flashing lights, or rotating parts;
  - b) impedes or obstructs the town’s maintenance operations;
  - c) is on a roadway or highway;
  - d) is within a sight triangle;
  - e) is less than 3 metres (9.8 feet) from a marked school crossing;
  - f) simulates any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
  - g) is affixed to public property, any Canada post mailbox or public utility poles, including, but not limited to, telephone poles, hydro poles, light standards, or any other utility infrastructure;
  - h) is placed on, painted on, attached to, or supported by a tree, stone or other natural object; or
  - i) is located, placed, erected on public property
- 3.5 No person shall cause or permit an election sign on or in a voting location or that part of a highway that abuts a voting location, as depicted in diagram 2 in schedule ‘A’.

- 3.6 No election sign shall display, a logo, crest, trademark, or official mark, in whole or in part, owned or licensed by the Town.
- 3.7 No person shall cause or permit the placement, attachment, installation, or erection of any election sign in whole or in part on public property.

#### **4. Election Signs**

- 4.1 No person shall cause or permit an election sign for a municipal election until after:
- a) the candidate has filed their nomination with the Clerk; or
  - b) in the case of a third party, until they have registered with the Clerk; and
  - c) no earlier than twenty-eight (28) calendar days prior to voting day in the year of an election or by-election.
- 4.2 No person shall place or permit to be placed an election sign for a federal or provincial election or by-election until the day after the writ for the election or by-election is issued.
- 4.3 Despite subsections 4.1 and 4.2, an election sign which is a fascia sign may be placed on the face of the building used as a campaign office provided that:
- a) the election sign complies with the fascia sign provisions of the Town's Sign By-law as amended; and
  - b) the candidate has filed his or her nomination with the Clerk, or in the case of a registered third party, registered with the Clerk.
- 4.4 Election signs placed or permitted to be placed by a registered third party in a municipal election shall include the following information required by the Municipal Elections Act:
- a) the name of the registered third party;
  - b) the municipality where the registered third party is registered; and,
  - c) a telephone number, mailing address, or email address to contact the registered third party.
- 4.5 Election signs placed or permitted to be placed by a registered third party in a federal or provincial election shall include any information required by the Canada Elections Act or, the Election Act, whichever is applicable.

#### **5. Size**

- 5.1 With the exception of a billboard sign and fascia sign, an election sign shall have a maximum:
- a) sign area of 1.49 square metres (16 square feet);
  - b) height of 1.22 metres (4 feet); and,
  - c) width of 1.22 metres (4 feet).
- 5.2 Billboard signs and fascia signs shall comply with the requirements of the Town's Sign By-law.

## **6. Private Property**

- 6.1 Subject to subsections 3.3 and 3.4, election signs are permitted on private property, provided that:
- a) consent is given by the property owner, tenant, or occupant of the property;
  - b) the number of election signs on the property is limited to one (1) election sign per candidate or per registered third party, unless the property abuts two (2) or more streets, in which case the number of election signs on the property is limited to one (1) election sign per candidate or per registered third party multiplied by the number of abutting streets.
  - c) the election sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
  - d) no election sign is placed so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to emergency water connections, or fire hydrants.

## **7 Regional Intersections**

- 7.1 No person shall place an election sign within any area of an intersection as depicted in diagram 1 in Schedule 'A'.

## **8. Removal of Election Signs**

- 8.1 Candidates and registered third parties shall remove their election signs within seventy-two (72) hours after midnight on voting day.
- 8.2 The Clerk and/or a municipal law enforcement officer may remove any election sign placed in contravention of this by-law without notice.
- 8.3 Any election sign that has been removed by the Town in accordance with this bylaw, may be recycled, destroyed, or otherwise disposed of by the town without notice and without compensation to any person.

## **9. Enforcement**

- 9.1 This by-law may be enforced by an enforcement officer or by any other person appointed by the town for the purpose of enforcing this by-law.
- 9.2 Any sign removed in contravention of this by-law will be held until after election day for a period of twenty-one (21) days, after which the signs will be disposed of by the Town without notice and without compensation to any person.
- 9.3 Any candidate or registered third party sign removed in contravention of this bylaw will be notified in order to make arrangement to pick up the signs.
- 9.4 Any municipal costs associated with the enforcement of this bylaw, including but not limited to inspection fees, storage and removal fees shall be in accordance with the Town's User Fees and Charges Bylaw and any revisions thereto.
- 9.5 Municipal service fees for the administration of this bylaw may be applied when a contravention has been confirmed by an Officer.

9.6 Pursuant to Section 398 of the Municipal Act, the Treasurer or their designate may add any part of a municipal service fee subject to Subsection 15.1 or 15.2, to the tax roll for the for any property in the Town of which all the owners are responsible for paying the fee.

## **10. Offences**

10.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

## **11. Liability for Damages**

11.1 No provision of this by-law shall be construed as relieving or limiting the responsibility or liability of any person placing or owning any election sign from personal injury or property damage resulting from the placing of such election 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 such election signs.

## **12. Validity and Severability**

12.1. Should any section, subsection, clause, paragraph, or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this bylaw, or of the bylaw as a whole.

## **13. Administration**

13.1 The Clerk is responsible for the administration of this by-law.

## **14. Repeal**

14.1 Repeal section 3.04(3) of By-law # 30-1999 that refer to or have reference to election signs and election related advertisements.

14.2 That By-law #48-2005 be rescinded.

## **15. Force and Effect**

15.1 This By-law shall come into force and effect on the day it is passed.

**BY-LAW READ A FIRST, SECOND and THIRD TIME in Open Council, and enacted this 28th day of March 2022.**

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Wade Mills, Mayor

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Jennifer Willoughby, Clerk

