

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

By-law Number 2022-004

being a by-law to regulate Election Signs within the Township of Southgate and to repeal by-law 2017-129

Whereas Subsection 11.3 of the Municipal Act 2001 S O 2001 c.25 provides that councils of lower tier municipalities may pass by laws to respecting structures including fences and signs; and

Whereas Section 99 of the Municipal Act 2001 S O 2001 c.25 authorizes a municipality to pass by laws regulating advertising devices; and

Whereas Subsection 11.8 of the Municipal Act 2001 S O 2001 c.25 provides that a municipality has the power to pass a by law respecting highways; and

Whereas the Council of The Corporation of the Township of Southgate deems it necessary to regulate the location manner and display of election signs in order to prevent the unlimited proliferation of signs on highways and property that would create dangerous and undesirable situations,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate hereby enacts as follows:

1. Definitions

For the purposes of this By-law:

- 1.1. **"By-law Enforcement Officer"** means a by-law enforcement officer appointed by the Council of the Corporation of the Township of Southgate.
- 1.2. **"Campaign Office"** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information about the candidate.
- 1.3. **"Candidate"** shall have the same meaning as in the Canada Elections Act the Election Act Ontario or the Municipal Elections Act 1996, as amended, 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, as amended.
- 1.4. **"Clerk"** means the Clerk appointed by the Council of the Corporation of the Township of Southgate or a person delegated by them for the purposes of this by-law.
- 1.5. **"Election Sign"** means any sign or advertising device, including posters, promoting, opposing, or taking a position in respect to:
 - a) any Candidate or political party in an election held in accordance with the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;
 - b) an issue associated with a person or political party in an election under the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;
 - c) a question, law or by-law submitted to the electors under the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;

- 1.6. **"Façade"** means the exterior wall of a building exposed to public view on the street which bears the municipal address of the building.
- 1.7. **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square place, bridge, viaduct or 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 lines thereof.
- 1.8. **"Illuminated"** means lighted by any means whatsoever including direct indirect internal and external sources of illumination.
- 1.9. **"Lot"** shall mean a parcel of land having continuous frontage on a public street described in a deed or other document, which is legally capable of conveying a fee simple interest of land, other than a leasehold interest, easement, or right-of way.
- 1.10. **"Official Sign"** means any sign which is required to be erected or displayed pursuant to any statute by law, regulation or other directive of any federal, provincial or municipal government or agency, board or commission thereof.
- 1.11. **"Owner"** means the registered owner of the lands and includes any person, firm, partnership, corporation, institution, religious or philanthropic organization, government or governmental agency controlling, maintaining or occupying the lands upon which a sign is or will be erected or displayed.
- 1.12. **"Public Property"** means real property owned by or under the control of the Township of Southgate, or the County of Grey, including, but not limited to, a Park, Library, Community Centre, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, **does not** include a municipal road allowance.
- 1.13. **"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.
- 1.14. **"Roadway"** means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes the shoulder as the travelled portion of the roadway.
- 1.15. **"Road Allowance"** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property.
- 1.16. **"Rotating Sign"** means any sign or portion of a sign which rotates on an axis.
- 1.17. **"Sidewalk"** means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians.
- 1.18. **"Sight Triangle"** means the triangular space formed by the Roadway Lines of a corner lot and a line drawn from a point in one Roadway Line to a point in the other Roadway Line, each such point being 7 metres from the point of intersection of the Roadway Lines (measured along the Roadway Lines). Where the two Roadway Lines do not

intersect at a point, the point of intersection of the Roadway Lines shall be deemed to be the intersection of the projection of the Roadway Lines or the intersection of the tangents to the Roadway Lines.

- 1.19. **"Sign Deposit"** means a payment made, in an acceptable form, to the Township of Southgate, received as a deposit and kept on file that must be received before any candidate or a candidate's registered agent shall place or permit to be placed an election sign.
- 1.20. **"Township"** means The Corporation of the Township of Southgate.
- 1.21. **"Voting Location"** means the entire property where an election occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

2. General Provisions

- 2.1. Only Candidates, Registered Third Party Advertisers, or their agents are permitted to erect election signs.
- 2.2. No person shall place or permit to be placed an Election Sign on Public Property.
- 2.3. No person shall place or permit to be placed an Election Sign:
 - a) in a Roadway;
 - b) within 2 metres of the travelled portion of the roadway;
 - c) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - d) between a Roadway and a Sidewalk;
 - e) in a Sight Triangle;
 - f) on a tree, fence or gate located on Public Property or a Roadway;
 - g) on a utility pole, light standard or any other municipal infrastructure;
 - h) on the land or buildings situated on or in or on a vehicle that is parked at any voting location or on the road allowance in front of the voting location;
 - i) on any official sign or official sign structure;
 - j) to obstruct the visibility of any pedestrian or driver;
 - k) to obstruct the visibility of any traffic sign or device;
 - l) that impedes or hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminates a public parking space required by law;
 - m) to interfere with vehicular traffic in any manner;
 - n) to obstruct openings required for light, ventilations, ingress, egress or fire or medical emergencies;
 - o) that constitutes a danger or hazard to the general public.
- 2.4. No person shall place or permit to be placed an illuminated or rotating election sign.
- 2.5. No person shall place or permit to be placed an election sign displaying The Corporation of the Township of Southgate logo, crest or seal.
- 2.6. No person shall use or permit or cause to be used an election sign that is attached, affixed or displayed on a vehicle or trailer.

- 2.7. No person shall place or permit to be placed an election sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign.
- 2.8. No municipal election sign shall be posted on private property without the express consent of the owner and shall be subject to the limitations set out in sections 2.9 and 2.10.
- 2.9. Only one election sign per candidate shall be affixed, erected, or otherwise displayed on any lot.
- 2.10. On corner lots, a second sign per candidate may be affixed, erected, or otherwise displayed on the adjoining side of the lot.
- 2.11. Election signs may be displayed in the Township in the location:
 - a) where the candidate is running for that position; or
 - b) promoting a position with respect to a question on a ballot upon which an eligible elector may vote.
- 2.12. Election signs may be affixed to the façade of the building or building unit, which is used as a candidate's campaign office, provided that such sign complies with the provisions of the Township's Sign By-law for a wall sign.
- 2.13. No person shall deface, move, or willfully cause damage to a lawfully erected election sign.
- 2.14. No person shall leave an abandoned election sign on a property.
- 2.15. All other provisions included in the *Municipal Elections Act, 1996, as amended* shall apply. It is the responsibility of candidates and registered third party advertisers to ensure compliance with applicable legislation.

3. Timing

- 3.1. No person shall place or permit to be placed an election sign prior to the issuance of writs for a provincial or federal election or no earlier than forty-two (42) days immediately preceding the day of a municipal election.
- 3.2. All election signs shall be removed within seventy-two (72) hours immediately following an election. If not removed in the specified time frame following an election, the Clerk may direct that the signs be removed, and any remaining sign deposit shall not be refunded.

4. Mandatory Information on Election Signs and Advertisements

- 4.1. All parties, including candidates, shall comply with the sign and advertisement requirements set out in Section 88 of *the Municipal Elections Act, as amended*.
- 4.2. All election signs and advertisements purchased by or under the direction of a candidate shall identify the candidate.
- 4.3. All third party election signs and advertisements shall contain the following information:
 - a) the name of the registered third party;
 - b) the municipality where the registered third party is registered;

- c) a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

5. Administration

- 5.1. The candidate or third party advertiser to whom an election sign relates shall be responsible for the erection or display of the election sign and shall ensure that all the requirements of this by-law have been met.
- 5.2. A deposit in accordance with Schedule A is required before any candidate or a candidate's registered agent shall place or permit to be placed an election sign.
- 5.3. Subject to any deductions made under subsection of this by-law a candidate is entitled to have his or her election sign deposit refunded no later than 90 days after voting day.
- 5.4. If an election sign is removed in accordance with this by-law, during the election period, the candidate to whom the sign relates will be charged in accordance with Schedule A to cover the costs of removing the sign.
- 5.5. The sign removal fee as outlined in Schedule A will be waived if the candidate provides an affidavit indicating that neither the candidate nor to the best of the candidate's knowledge any person acting on behalf of the candidate was responsible for the unlawful erection or display of the election sign.
- 5.6. If the costs incurred by the Township in removing a candidate's signs during the election period exceed the election sign deposit paid by the candidate, the Township shall notify the candidate who shall have five (5) days after the date of notice is received to pay:
 - a) the outstanding costs of removal in accordance with Schedule A;
 - and
 - b) further election sign deposit as required under Schedule A.

6. Enforcement and Removal of Signs

- 6.1. Where election signs have been posted in contravention of this By-law, the Clerk may remove the sign without notice, or take the necessary action to ensure that the sign complies with the provisions of this By-law with 24 hours of notice to the candidate.
- 6.2. Where action is not taken under Section 6.1, the Clerk may direct that the signs be removed and the candidate to whom the sign relates will be charged in accordance with Schedule A, to be deducted from the refundable portion of the candidate's election sign deposit.
- 6.3. The Clerk may destroy any election signs which have been removed and not claimed and retrieved by the candidate, persons or owner within the time period prescribed under Section 3.2.

7. Schedules

- 7.1. Schedule "A" to this by-law forms part of this by-law.

8. Penalty and Offences

- 8.1. 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. Damage

- 9.1. The Township of Southgate shall not be liable for any damage or loss to an election campaign sign that was displayed in accordance with the by-law or that was removed by a By-law Enforcement Officer of the Township of Southgate.

10. Liability

- 10.1. 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 the negligence or willful acts of such person or his or her 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.

11. Validity

- 11.1. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law, be applied and enforced in accordance with its terms to the extent possible according to law.

12. Short Title

- 12.1. This by-law may be cited as the "Election Sign By-law".

13. Repeal

- 13.1. By-law 2017-129 is hereby repealed.

14. Force and Effect

- 14.1. This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 2nd day of February, 2022.

John Woodbury – Mayor

Lindsey Green - Clerk

By-law Number 2022-004

SCHEDULE A

Type	Deposit Amount Required
Municipal Election or By-Election:	
Mayor	\$75.00
Deputy Mayor	\$75.00
Councillor	\$75.00
Trustee	\$75.00
Third Party Advertiser	\$75.00
Provincial/Federal Election	\$75.00
Sign Removal	\$10.00 per sign