

# The Corporation of the Municipality of Meaford

## By-law Number 2018-50

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### **Being a by-law to regulate election signs in the Municipality of Meaford**

**Whereas**, Section 5 (3) of the Municipal Act, S.O. 2001, c.25 provides that municipal power shall be exercised by by-law; and

**Whereas**, Section 9 of said Act provides municipalities with broad authority to legislate on matters related to the spheres of jurisdiction outlined in section 11; and

**Whereas**, Section 11(3) of said Act authorizes the Municipality to pass by-laws relating to structures, including fences and signs; and

**Whereas**, section 99 of said Act provides the rules which apply to a by-law of a municipality respecting advertising devices, including signs; and

**Whereas**, Section 425 of said Act establishes that any person who contravene any by-law of the Municipality passed under the Act is guilty of an offence; and

**Whereas**, Council of the Municipality of Meaford deems it expedient and necessary to enact rules regulating the erection of election signs in the Municipality of Meaford.

**The Council of the Corporation of the Municipality of Meaford enacts as follows:**

#### **Part I – General**

##### **1.0 Interpretation**

- 1.1 References to items in the plural include the singular, as applicable.
- 1.2 The words “include”, “including”, and “includes” are not to be read as limiting the phrases or descriptions that precede or follow them.
- 1.3 Headings and the index are included for ease of reference only and are not to be used as interpretation aids.

- 1.4 Specific references to legislation in this by-law are meant to refer to the current laws applicable within the Province of Ontario as at the time the by-law was enacted, as they are amended from time to time. In all cases, the reference includes the statute, as amended from time to time, including successor legislation.

## 2.0 Definitions

- 2.1 “Agent” means a person or an entity registered and authorized to act on behalf of a Candidate.
- 2.2 “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.
- 2.3 “Candidate” means a person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Municipal Election Act, 1996, as amended.
- 2.4 “Clerk” or “Returning Officer” shall mean the Clerk of the Municipality of Meaford or their designate.
- 2.5 “Election Sign” means any sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election. Such signs are intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, as amended.
- 2.6 “Help Centre” means a location at which the Municipality of Meaford provides election services to voters, including but not limited to additions to the voters list and providing facilities at which an elector may cast an electronic ballot.
- 2.7 “Highway” means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the

untraveled portion of a road allowance.

- 2.8 “Municipality” means the Corporation of the Municipality of Meaford or the geographic area of the Municipality of Meaford as context dictates.
- 2.9 “Officer” means a Municipal Law Enforcement Officer as appointed by the Council of the Corporation of the Municipality of Meaford, or an OPP Officer, or a Provincial Offences Officer or other duly appointed individual.
- 2.10 “Official Sign” means a sign placed by the Municipality of Meaford to control and regulate the movement of vehicles and pedestrians, signs posted by the Municipality under the provisions of the sign by-law in force and effect, including a sign approved by the Ministry of Transportation Ontario and signs described in the Highway Traffic Act, and signs posted by the Municipality regarding election participation and help centres.
- 2.11 “Premises” includes the parking lot, adjoining fences, and road allowances of a property.
- 2.12 “Public Property” means property owned by or under the control of the Municipality of Meaford, County of Grey or any of their agencies or boards, including highways, boulevards, and road allowances. Public Property shall be deemed to include public utility facilities, regardless of whether the poles are owned by or under the control on the Municipality, and shall also include buses, benches, municipal garbage containers or other structures located on a highway regardless of whether benches, containers or structures are owned by the Municipality. Property owned by the Municipality and leased to another person or entity shall not be deemed to be public property.
- 2.13 “Public Utility Facility” means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a municipal or public utility services including, but not limited to, the Municipality, Bell Canada, Hydro One, Rogers, Union Gas, and any subsidiaries thereof.
- 2.14 “Road Allowance” means lands reserved by the government to be used for public roads.

- 2.15 “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 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 Elections Act, or the Municipal Elections Act.
- 2.16 “Roving Help Centre” means a Help Centre that moves from place to place to ensure that certain populations have the opportunity to vote. Locations may include, but are not limited to, hospitals, nursing homes, and multi-residential property.
- 2.17 “Sign Height” means the vertical distance measured from the highest point of the sign to grade, and includes any support structure.
- 2.18 “Travelled Portion of the Roadway” means the portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- 2.19 “Vehicle” means any means of transportation propelled or driven by any kind of power, including muscular power, and includes trailers intended to be drawn, propelled or moved by a vehicle.
- 2.20 “Voting Place” means the entire property and all the boundaries associated with it where the electorate can attend and cast their vote. When the voting place is located on private premises, it shall include all common elements of the premises.

## **Part II – Restrictions**

### **3.0 General Provisions**

- 3.1 No candidate, candidate’s agent, registered third party advertiser or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- 3.2 No candidate, candidate’s agent, registered third party

advertiser or any other person shall affix, erect or otherwise display an election sign, or permit an election sign to be affixed, erected or otherwise displayed:

- a) On or overhanging public property, including a municipal park or a facility that is owned or operated by the Municipality, except as defined in Section 6 of this by-law;
- b) On a utility pole or light standards or other public utility facility;
- c) On any official sign or official sign structure;
- d) On a tree, stone or other natural object, or on a boundary fence or safety rail;
- e) On a median, centre boulevard, or traffic island;
- f) By tacking, pasting, or otherwise affixing any election sign to the walls of a building, shed, fence or structure, where the sign is visible from the street.
- g) In a location which would, by reason of size, location, or illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads, or which are located in a sight triangle;
- h) In a location where the election sign obstructs or impedes any required fire escape, fire exit, fire route, door, window, etc., or so as to prevent or impede access of firefighters to any part of a building;
- i) In a location where the election sign constitutes a danger or hazard to the general public;
- j) Within 3 metres of a fire hydrant;
- k) Which includes electronic display that incorporates in any manner any flashing, moving illumination or animation which varies in intensity or which varies in colour, and signs which have any visible moving parts or visible mechanical movement of any description;
- l) Which makes use of words such as “Stop”, “Look”, “One

Way”, “Danger”, “Yield”, or any similar words, phrases, symbols, or characters in such manner as to tend to interfere with, mislead, or confuse traffic;

- m) On the property of a voting place or help centre, including on the front façade of said voting place or help centre;
- n) On or within a vehicle parked within 50 metres of a voting place or help centre.

3.3 The candidate or registered third party advertiser 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.

3.4 No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate or registered third party advertiser to whom the sign relates, or the owner of the property on which the sign is erected.

3.5 No person shall deface or willfully cause damage to a lawfully erected election sign.

3.6 No person shall place an election sign in such a position that such sign would contravene any other applicable legislation.

3.7 No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licenced by the Municipality.

#### 4.0 Timing

4.1 No candidate or registered third party advertiser shall erect or display, or cause to be erected or displayed, an election sign prior to the date which is sixty (60) days before the date fixed for the election.

4.2 All candidates and registered third party advertisers shall remove, or cause to be removed, all election signs within five (5) days of the date of the election.

#### 5.0 Election Signs on Road Allowances – Settlement Areas

5.1 No candidate or registered third party advertiser shall erect or display, or cause to be erected or displayed, an election sign on

the road allowance, boulevard, or sidewalk within a settlement area.

- 5.2 Settlement areas shall be defined as those areas shown in Schedule A, attached hereto and forming part of this by-law.

## 6.0 Election Signs on Road Allowances – Rural Areas

- 6.1 Notwithstanding Section 3.2 (a), election signs may be erected or displayed on road allowances in areas outside the settlement areas defined in Schedule A, where:

- a) The election sign is set back at least 2.0 metres from the travelled portion of the road;
- b) The election sign does not exceed 1.5 square metres in area;
- c) The election sign is no higher than 2.0 metres above ground level, save and except signs on billboards, and signs displayed indoors
- d) The election sign does not interfere with the safe operation of vehicular traffic or with the safety of pedestrians.

- 6.2 Election signs shall not be located within 7.5 metres of an intersection of streets.

- 6.3 No more than one (1) election signs per candidate per 50 metres of road allowance are permitted.

- 6.4 Election signs that are placed in a “V” formation must not utilize a common post or touch in any fashion. Signs placed in this formation shall be considered to be two signs.

- 6.5 The use of any otherwise approved sign structure, illuminated poster panel or mobile sign for election purposes is not permitted on any road allowance.

## 7.0 Election Signs on Private Property

- 7.1 Election signs may be erected or displayed on private property where:

- a) The property owner or tenant has provided consent for the

erection of an election sign;

- b) The election sign does not exceed 1.5 square metres in area;
  - c) The election sign is no higher than 2.0 metres above ground level, save and except signs on billboards, and signs displayed indoors
  - d) The election sign is set back 3.0 metres from all property lines;
  - e) The election sign does not interfere with the safe operation of vehicular traffic or with the safety of pedestrians.
- 7.2 Election signs shall not be located within 7.5 metres of an intersection of streets
- 7.3 Election signs that are placed in a “V” formation must not utilize a common post or touch in any fashion. Signs placed in this formation shall be considered to be two signs.
- 7.4 No more than one (1) election signs per candidate per street frontage are permitted on any one property.
- 7.5 The use of any otherwise approved sign structure, illuminated poster panel or mobile sign for election purposes shall be governed by the Municipality’s Sign By-law.
- 7.6 An election sign may be installed on a billboard, providing the billboard structure has been installed under the authority of a permit issued by the Municipality.
- 7.7 Billboard signs shall not be subject to the size limitation listed in section 5.1 (d) of this by-law.

### **Part III – Enforcement**

#### **8.0 Violations and Removal of Unlawful Election Signs**

- 8.1 When, in the opinion of the Returning Officer or a Municipal Law Enforcement Officer, a violation of the by-law exists, a verbal or written notice may be issued to the candidate, agent or third party advertiser. The notice shall state the nature of the violation and provide a period of time to correct the alleged violation.



- 8.2 Where notice of an election sign affixed, erected, or otherwise displayed in contravention of any provision of this by-law has been provided and the notice has not been complied with, an Officer, or any other individual designated by the Clerk, may cause the sign to be removed immediately without further notice to the owner or apparent owner, and/or to take any further action as provided for within this by-law.
- 8.3 The Municipality reserves the right of remove, without notice to any person including the candidate, any election sign which is deemed to be a hazard to the travelling public or to any other person, regardless of its compliance with the remainder of this by-law.

#### 9.0 Notice of Removal, Storage and Disposal

- 9.1 Where the Municipality removes an election sign due to non-compliance with this by-law, a notice shall be forwarded to the candidate, agent or registered third party advertiser indicating that the illegal sign has been removed by the Municipality and will be stored and disposed of in accordance with section 7.5 of this by-law.
- 9.2 Said notice shall indicate that the sign may be reclaimed by the candidate, agent or registered third party advertiser within the time period prescribed and upon payment of the appropriate fee.
- 9.3 Where a sign has been removed and notice provided as set out in Section 7.2, the candidate, agent or registered third party advertiser shall submit payment of all fees associated with the removal, storage and disposal of each sign as set out on the Notice within 30 days of receipt.
- 9.4 All fees associated with the removal of an election sign according to the provisions of section 6.2 shall include a minimum \$50.00 administrative surcharge, plus all applicable costs to remove and store the sign.
- 9.5 All costs and charges incurred by the Municipality for the removal, care and storage of a sign that is erected or displayed in contravention of this by-law shall be considered a lien on the advertising device.
- 9.6 Where a sign has been removed by the Municipality and stored

for a period of thirty days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of with no further notification to the owner of such sign.

## **10.0 Enforcement**

10.1 An Officer shall enforce the provision of this by-law.

10.2 No person shall obstruct, hinder, or otherwise interfere with a duly appointed Officer exercising any power, authority, or performing a duty as permitted under the provisions of this by-law.

## **11.0 Penalty**

11.1 Every person who contravenes any provisions of the By-law is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P-33 as amended, and is liable on conviction to a fine not exceeding \$5,000, exclusive of costs, subject to the provisions of the Provincial Offences Act.

11.2 Every director and/or officer of a corporation who concurs in any contravention of a provision of this By-law is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P-33 as amended, and is liable on conviction to a fine not exceeding \$5,000, exclusive of costs, subject to the provisions of the Provincial Offences Act.

## **Part IV – Other Matters**

### **12.0 Liability**

12.1 The provisions of this by-law shall not be construed as relieving or limiting the responsibility 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 their agents or employees, in the construction, erection, maintenance, repair or removal of any such signs.

12.2 The provisions of this section shall not be construed as imposing on the Corporation of the Municipality of Meaford, its officers, employees, servants, agents and contractors any responsibility or liability whatsoever by reason of the removal of any sign.

### 13.0 Conflict with any Other By-law

13.1 In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

### 14.0 Validity

14.1 In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this by-law shall remain in full force and effect.

### 15.0 Repeal

15.1 Section 6 of By-law 2014-22, known as the "Sign By-law", is hereby repealed.

### 16.0 Short Title

16.1 This by-law shall be known as the "Election Sign By-law".

### 17.0 Effective Date

17.1 This by-law shall come into force and take effect upon passing.

**Read a first, second and third time and finally passed this 9th day of July, 2018.**

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**Barb Clumpus, Mayor**

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**Matthew Smith, Clerk**

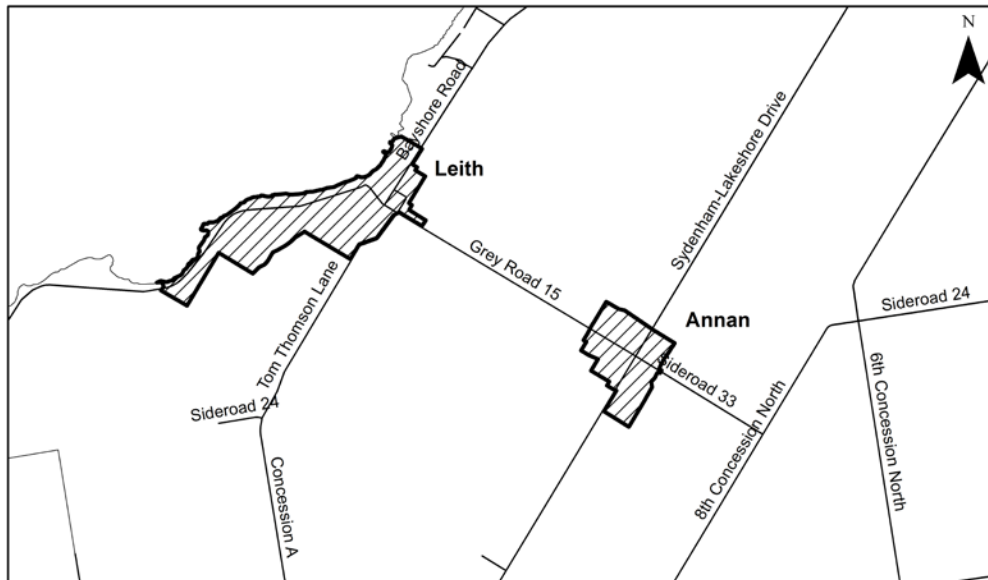
# The Corporation of the Municipality of Meaford

## By-law Number 2018-50

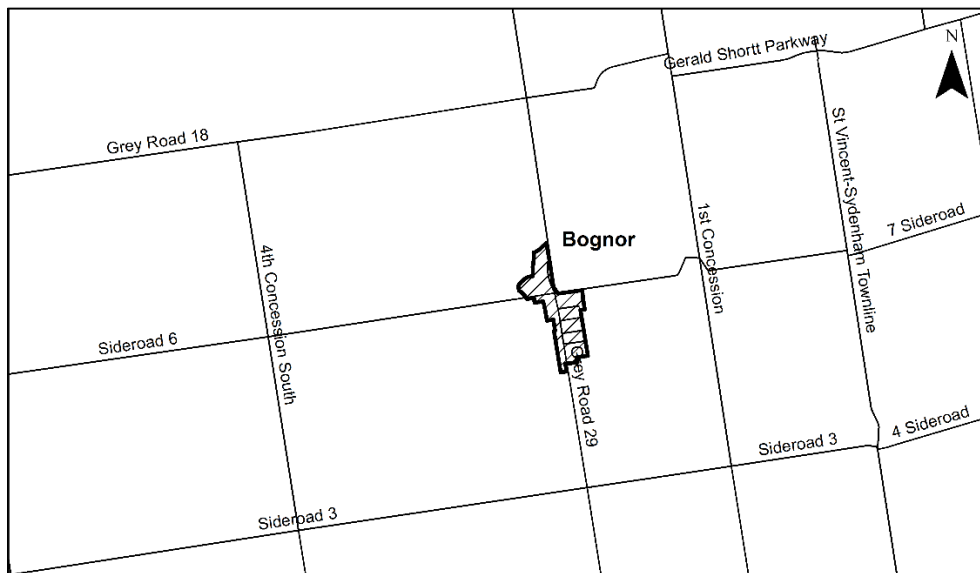
### Schedule A – Settlement Areas

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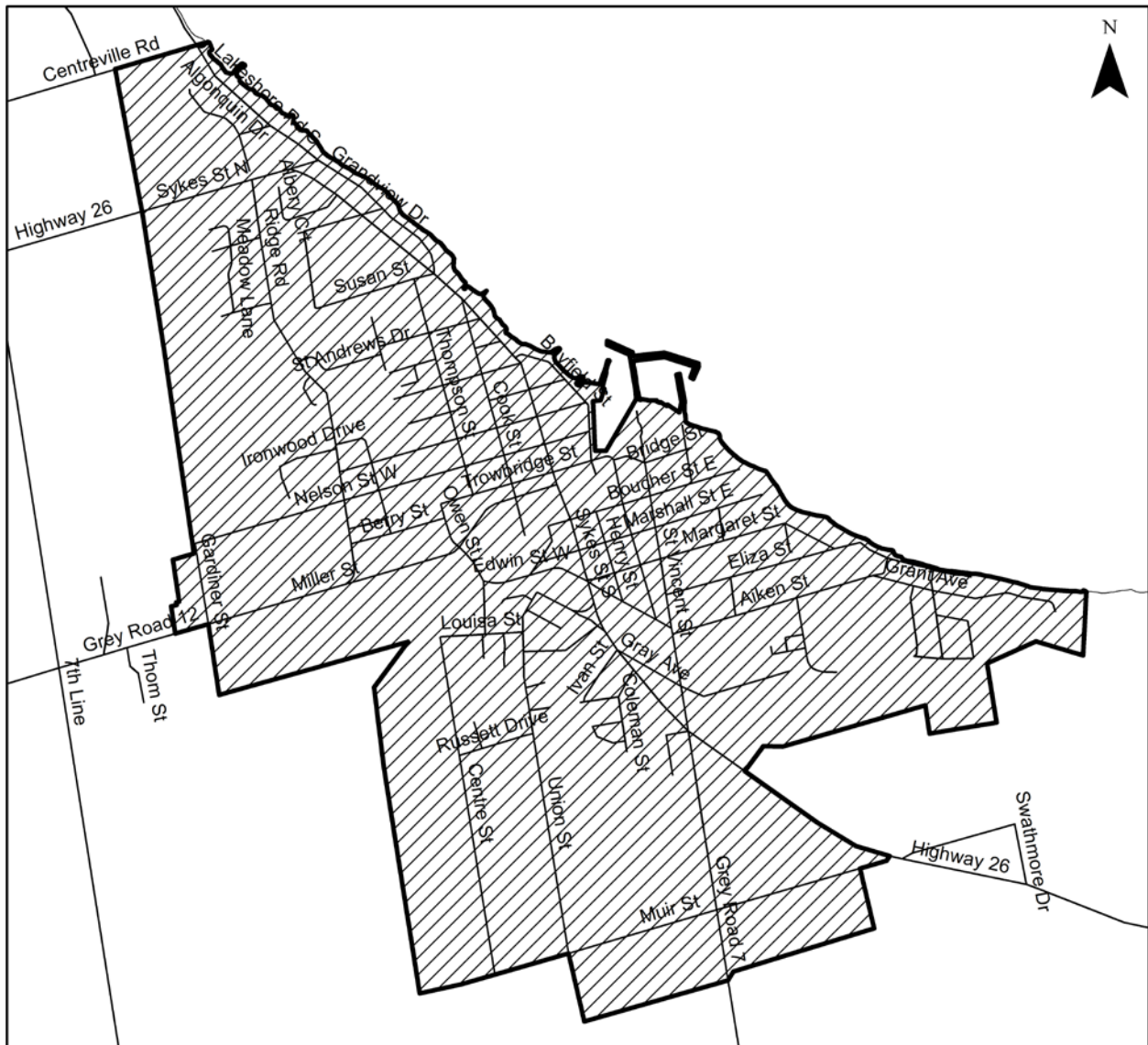
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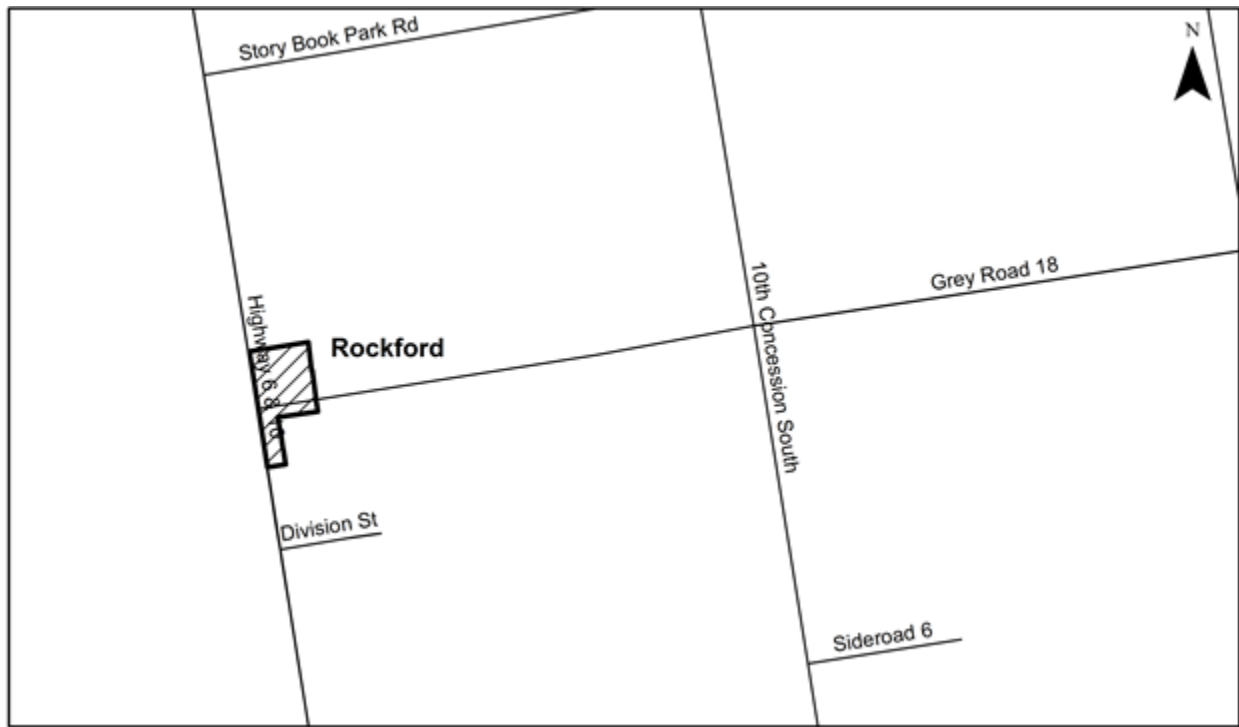
#### **Bognor**



# Meaford



## Rockford



## Woodford

