



THE CORPORATION OF THE TOWN OF PENETANGUISHENE

BY-LAW 2014-01

Being a By-law to Regulate the Use of Election Signs in the Town of Penetanguishene

WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 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 to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality 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 Section 11 of the Municipal Act, 2001, provides that a lower tier municipality may pass by-laws within the spheres of jurisdiction set out therein, inter alia structures, including fences and signs;

AND WHEREAS pursuant to section 99. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the authority to regulate advertising devices, including signs;

AND WHEREAS Section 425 of the Municipal Act, 2001 establishes that any person who contravenes any by-law of a municipality passed under this Act, is guilty of an offence;

AND WHEREAS Council deems it appropriate to regulate the placement of Election Signs within the municipality to facilitate equal opportunity for all candidates, and to ensure the safety of individuals by the safe placement of election signs.

NOW THEREFORE be it enacted and it is hereby enacted by the Council of The Corporation of the Town of Penetanguishene as follows:

1. DEFINITIONS

In this By-law:

- 1.1 **"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 is normally present and the public may enter to obtain information about the candidate.
- 1.2 **"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 the Municipal Elections Act, 1996, Election Act or Canada Elections Act..

- 1.3 “**Clerk**” means the person appointed as Clerk of the Town by Council in accordance with the Municipal Act, 2001, as amended, or designate.
- 1.4 “**Corporation**” means The Corporation of the Town of Penetanguishene.
- 1.5 “**Council**” means the Council of the Corporation of the Town of Penetanguishene.
- 1.6 “**Election Sign**” means any sign or other advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combinations thereof:
- a) Advertising or promoting by use of words, pictures or graphics or any combinations thereof is used by or on behalf of a candidate in a federal, provincial or municipal election or by-elections, including an election of a local board or commissions; or;
 - b) Intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under the Municipal Elections Act, 1996.
- 1.7 “**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 and adjacent ditched and shoulders thereof.
- 1.8 “**Local Board**” means a local board as defined in Part 1 of the *Municipal Act, 2001, S.O. 2001, c.25*.
- 1.9 “**Officer**” means the Municipal Law Enforcement Officer or any person appointed by the Municipality.
- 1.10 “**Person**” means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representative of a person whom the context can apply according to law.
- 1.11 “**Polling place**” or “**Voting place**” means the entire property and all the boundaries associated with it where voting is scheduled to take place, including advance-voting activities, or such place as designated by the Clerk of the Town. Excluding private property for internet and telephone voting.
- 1.12 “**Private Property**” means lands which are not defined as Public Property or a Public Utility Facility including lands leased by the Town to others.
- 1.13 “**Public Property**” means any property, land, including road allowances and sidewalks, or a building leased for municipal purposes and includes property

owned and/or operated by the Town, County, Province or Federal Governments.

- 1.14 “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 service, including Town, Bell Canada, Power Stream, Hydro One and any other utility providers that may supply services over or within the Town’s Public Property, and further includes any subsidiaries thereof.
- 1.15 “Road Allowance”** means the portion of the road that is not ordinarily used for vehicular traffic such as the shoulder, roadside ditch and/or boulevard.
- 1.16 “Roadway”** means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, and where a road allowance includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively.
- 1.17 “Shoulder”** means a minimum distance of 2 metres (6.5 ft) from the travelled portion of the road allowance and includes the entire gravel shoulder thereof.
- 1.18 “Sight Triangle”** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each point being six (6) metres from the point of intersection of the street lines, (measured along the street lines) in accordance with Schedule “A” attached hereto and forming part of this By-law. 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 lines or the intersection of the tangents to the street lines.
- 1.19 “Sign Owner”** means the Candidate having the use or major benefit of the sign.
- 1.20 “Town”** means The Corporation of the Town of Penetanguishene.
- 1.21 “Voting Day”** means the day on which the final vote is to be taken in a municipal election.

2. WORD USAGE

- 2.1 As used in this By-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- 2.2 The headings and subheadings used in this By-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.

3. ADMINISTRATION

- 3.1 The Clerk shall be responsible for the administration of this By-law and the Municipal Law Enforcement Officer shall be responsible for the enforcement of this By-law as provided herein.

4. EXEMPTION FROM SIGN PERMIT

- 4.1 No permits shall be required from the Town prior to the erection of Election Signs which are temporary in nature.

5. GENERAL PROVISIONS

- 5.1 No candidate or his agent or any other person shall affix, erect or otherwise display an Election Sign except as permitted by this By-law.

- 5.2 No candidate or his agent or any other person shall affix or otherwise display an Election sign or permit an Election Sign to be affixed, erected or otherwise displayed:

- a) Which includes electronic displays that incorporates in any manner any flashing or moving illuminations which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description;
- b) Which are located in a site triangle in accordance with Schedule "A" attached hereto and forming part of this By-law;
- c) In addition to a site triangle, any location that 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 or any other sign authorized pursuant to the Sign By-law;
- d) Inside or outside of a municipal facility or on associated property;
- e) Which make use of words as 'STOP', 'ONE WAY', 'DANGER', 'YIELD' or any similar words, phrase, symbols, lights or characters in such manner which may interfere with, mislead or confuse traffic;
- f) On a tree, stone or other natural object on public property;
- g) Inside or outside a voting place and the associated property; excluding private property for internet and telephone voting;
- h) Within 100 metres (325 feet) of a voting place in accordance with Schedule "D" attached hereto and forming part of this By-law;
- i) On a public sidewalk or near a sidewalk so as to interfere with or obstruct normal pedestrian traffic;
- j) In a location where the Election Sign obstructs, impedes or conceals any required fire escape, fire exit, door, window, etc, or so as to prevent or impede access to firefighters to any part of a building;
- k) In a location where the Election Sign constitutes a danger or hazard to the general public.

- 5.3 The candidate to whom the Election Sign relates shall be responsible for the Election Sign, maintenance or display of the Election Sign and shall ensure that all the requirements of this By-law have been met.

- 5.4 No person, without lawful authority, shall pull down or remove a lawfully erected Election Sign without the consent of the candidate to whom the sign relates or the owner of the property on which the sign is erected.
- 5.5 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 5.6 No person shall place an Election Sign in such a position that such sign would contravene any other applicable legislation.
- 5.7 No person shall use or display the Town logo, crest or seal in whole or in part on any Election Sign.
- 5.8 No person shall erect, cause or permit to be erected an Election Sign, in any public park, parkette, or garden or on any public property owned or occupied by the Town of Penetanguishene or any local board, except where otherwise permitted by this By-law.
- 5.9 No person shall erect, cause or permit to be erected an Election Sign prior to the time period in a municipal election year as defined in section 8.
- 5.10 No person shall at any time on any election voting day (12:00 a.m. to 11:59 p.m.), including those days when advance election voting is held, erect, cause or permit to be erected a Election Sign on any grounds associated with any place being used as a polling place or voting place, including the building and parking lot, in front of and/or alongside the voting location, except on private property in accordance with Schedule "D" attached hereto and forming part of this By-law.
- 5.11 No Election Sign shall be located on a public highway fronting or alongside any property owned and/or operated by the Town on which buildings/structures exist, including offices, facilities, fire stations, and community halls and public library, except on private property in accordance with Schedule "C" attached hereto and forming part of this By-law.
- 5.12 No person shall at any time erect, cause or permit to be erected an Election Sign within 100 metres (325 feet) of a polling place or voting place except on private property in accordance with Schedule "D" attached hereto and forming part of this By-law.
- 5.13 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 *Elections Act* (Provincial).

6. ELECTION SIGNS ON PRIVATE PROPERTY

- 6.1 Election Signs may be erected or displayed on private property if:
 - a) The signs do not interfere with the safe operations of vehicular traffic or with the safety of pedestrians; and

- b) The signs are erected with the consent of the owner or tenant of the property;
- c) They are not located within a site triangle in accordance with Schedule "A" attached hereto and forming part of this By-law;
- d) Do not contravene any other provisions of this By-law.

7. ELECTION SIGNS ON PUBLIC PROPERTY

- 7.1 Candidates may not use any public facilities for the placement of Election Signs.
- 7.2 Except where otherwise prohibited by this By-law, Election Signs shall be permitted along highways (roads & streets), providing they are placed within the permitted location. Signs shall not be placed on the travelled surfaces and shoulders of highways or within intersections and sight triangles, except as provided in accordance with Schedules "A" and "B" attached hereto and forming part of this By-law.
- 7.3 No person shall at any time place an Election Sign, or cause an Election Sign to be placed on a public property or on highways adjacent any public property owned by or under the control of the Town of Penetanguishene in accordance with Schedules "C" attached hereto and forming part of this By-law.
- 7.4 This By-law shall not apply to signs erected, placed or displayed by the Town to provide information concerning the election or any part of an election process.
- 7.5 Election Signs shall **not** be located, erected or displayed:
 - a) On any centre median, centre boulevard, traffic island, roundabouts, traffic circle, rotaries, or variations thereof;
 - b) In or on overhanging public property, including a Town park, parkette, garden or open spaces, or a facility that is owned, or operated or controlled by the Town, associated property or on the adjacent Highway;
 - c) On any building or structure or property owned or operated by the Town or its local boards, or on the adjacent Highway;
 - d) So as to obstruct, impair, impede or hinder the movement of vehicular or pedestrian traffic, or the visibility of railway crossings, warning devices and traffic signs or signals;
 - e) On a sidewalk;
 - f) On a utility pole or light standard;
 - g) On, inside or outside of a location/building or facilitated property or adjacent highway designated as a voting location.

8. TIMING

- 8.1 No candidate or his agent or any other person shall affix, erect or otherwise display and Election Sign or permit to cause an Election Sign to be erected, affixed or otherwise displayed prior to:

- a) the issuance of writs for a Provincial or Federal election;
 - b) eight (8) weeks (56 days) immediately precede the day of a municipal election, but not prior to filing nomination papers and paying the required filing fee.
- 8.2 Despite Section 8.1 Election Signs may be erected on campaign offices once the candidate has filed his or her nomination papers and paid the required filing fees.
- 8.3 Any Election Sign shall be removed within five (5) days immediately following 11:59 p.m. of the day of the election. The candidate shall be responsible for the removal of his or her Election Signs within the prescribed timeframe.

9. REMOVAL OF UNLAWFUL ELECTION SIGNS

- 9.1 Where an Election Sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-law, Town of Penetanguishene Municipal Law Enforcement Officer or any other individual designated by the Town Clerk may cause the sign to be removed immediately without notice or liability and/or take any further action as provided within this By-law.
- 9.2 Signs that have been removed under Section 9.1 shall be stored by the Town for a minimum of ten (10) days, during which time the owner of the sign or the owner's agent may retrieve the sign by:
- a) paying any amount owing to the Town under this By-law.
- 9.3 Any Election Sign that is stored by the Town for more than ten (10) days and not redeemed by the owner of the sign or the owner's agent within that period of time may be destroyed or otherwise disposed of by the Town without notice and without compensation to the owner of the sign.
- 9.4 Any Election Sign not removed following the Election in accordance with section 8.3 will be removed in accordance with section 9.1 and disposed of immediately.

10. COSTS FOR REMOVAL AND STORAGE OF SIGN

- 10.1 If an Election Sign is removed in accordance with Section 9.1 or 9.4, any person responsible for erecting or displaying or causing the erection of display of the sign in contravention of this By-law may, in addition to any fine or other penalty which may be imposed for an offence under this article, be required to pay to the Town the cost of removing the sign. If an Election Sign is removed under Section 9.1 or 9.4, the candidate to whom the sign relates will be charged a fee of \$10.00 against the cost of removing the sign. The fee will be payable at the time the sign is returned to the candidate or agent. Where the candidate does not recover the sign, the election sign removal costs are due and will be invoiced to the candidate after Election Day.

- 10.2 Where a sign is so large or so placed that the cost of taking it down and removing it exceeds the amount provided in Section 10.1, the amount in Section 10.1 shall not apply and the amount shall be the Town's actual cost for taking down, removing and disposing of the sign, plus administration fee of fifteen (15%) percent. The candidate shall be liable for payment of the associated costs.
- 10.3 The Election Sign removal costs or other debt owed to the Town under this By-law and any additional costs shall be payable to the Town of Penetanguishene and any outstanding amount applied to the candidate's tax roll in accordance with the Town's Accounts Receivable practices, if applicable.

11. PENALTY PROVISIONS

- 11.1 Every person who contravenes the provisions of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty that shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 11.2 For the purpose of continuous offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 11.3 Despite the Section 11.2 and the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 11.4 For the purpose of multiple offences, every person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a By-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 11.5 Despite Section 11.4 and the provisions of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 11.6 Every person who fails to comply with a notice made under this By-law is guilty of an offence.
- 11.7 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the

Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.

11.8 Any Person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended, shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.

11.9 Every person who contravenes any section of this By-law under a part I or part II ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act R.S.O 1990, Chapter P.33 as amended.

11.10 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

12. SEVERABILITY

12.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

12.2 Where the provisions of this By-law conflict with the provisions of any other By-law or Act, the more restrictive provisions shall apply.

13. REPEAL

13.1 That By-law No. 2010-01 is hereby repealed in its entirety.

14. SHORT FORM TITLE

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

15. EFFECTIVE DATE

15.1 This By-law shall come into force and take effect upon receipt of the approval of the set fine schedules as issued by the Regional Senior Judge of the Ontario Court of Justice, Central East Region.

BY-LAW read a first, second and third time and finally passed by Council on the 29th day of January, 2014.

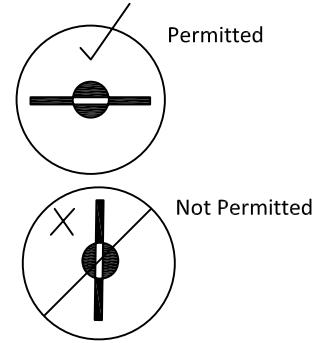
Gerry Martin, MAYOR

Signed

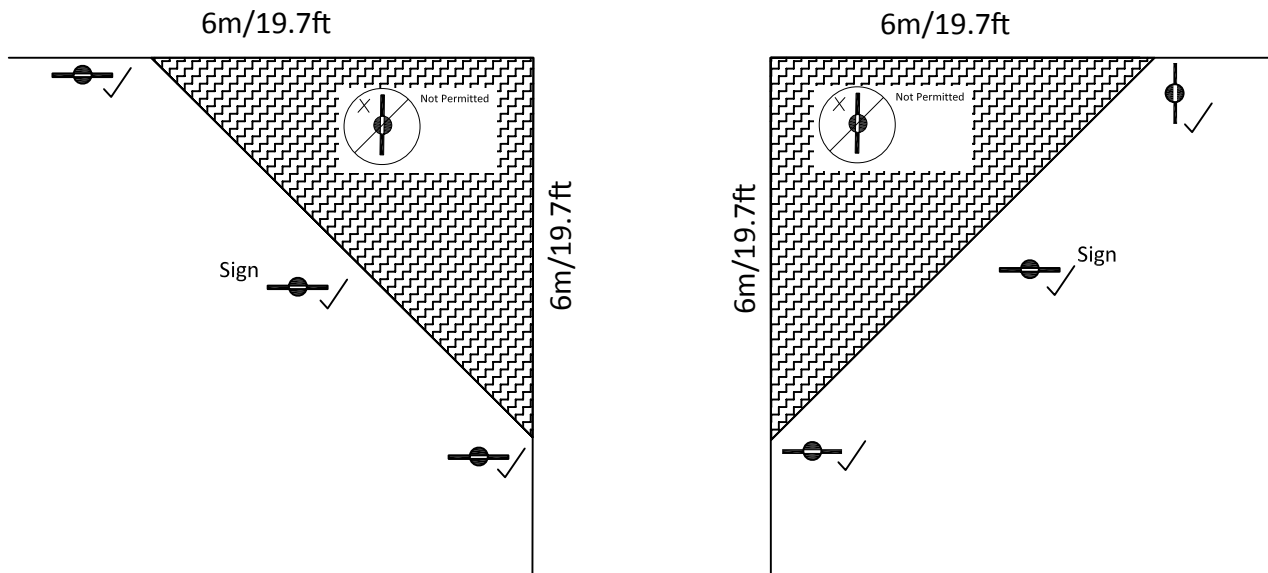
Jilly Bryce, CAO/CLERK

Schedule 'A'
BY-LAW NUMBER 2014-01
BEING A BY-LAW TO REGULATE THE USE OF ELECTION SIGNS
Sight Triangle

For safety reasons no election sign shall be located within 6 metres (19.7ft) of an intersecting street.



Travelled Road
Intersection

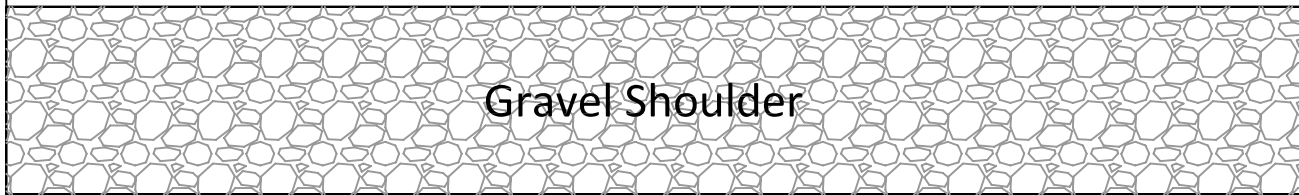


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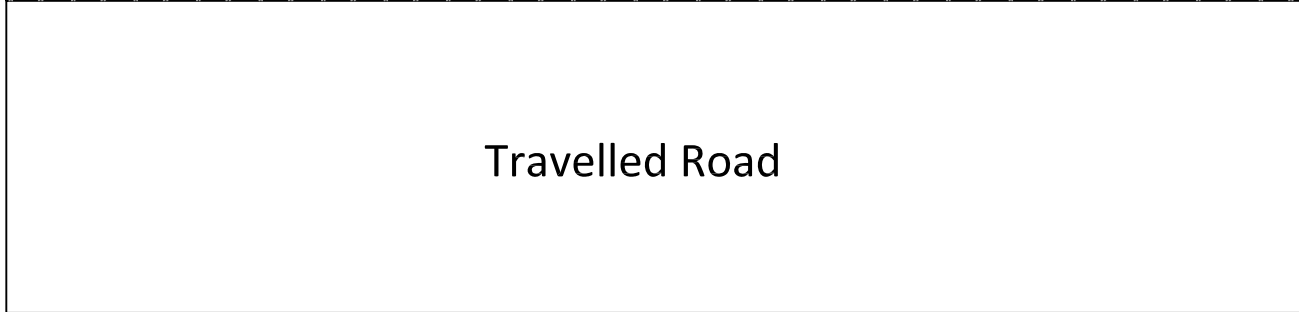
Schedule 'B'
BY-LAW NUMBER 2014-01
BEING A BY-LAW TO REGULATE THE USE OF ELECTION SIGNS
Setback from Road Allowance

For Safety reasons no election sign shall be located within 2 metres (6.5ft) of the travelled portion of the road allowance and in no case shall be within the gravel shoulder of the roadway.

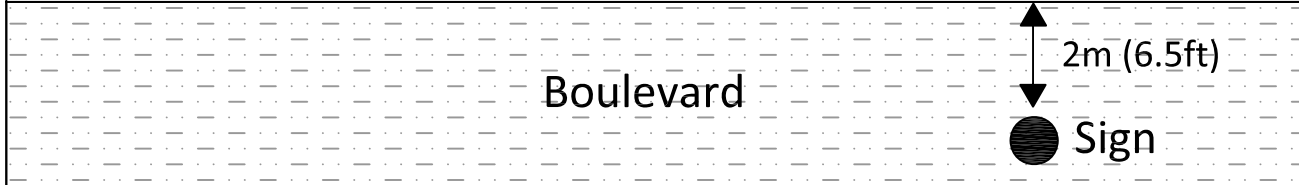
● Sign



Gravel Shoulder



Travelled Road



Boulevard

2m (6.5ft)

● Sign



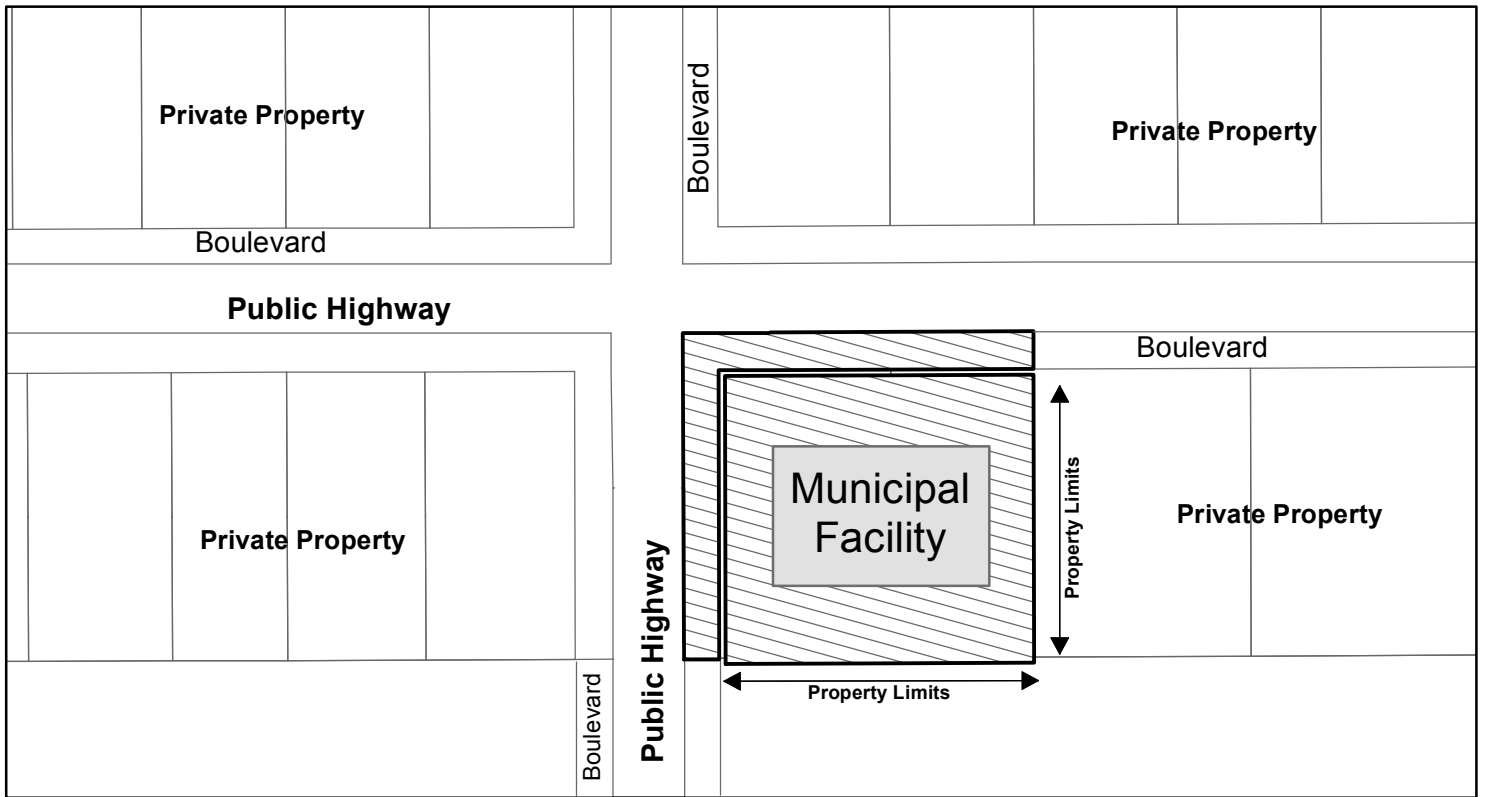
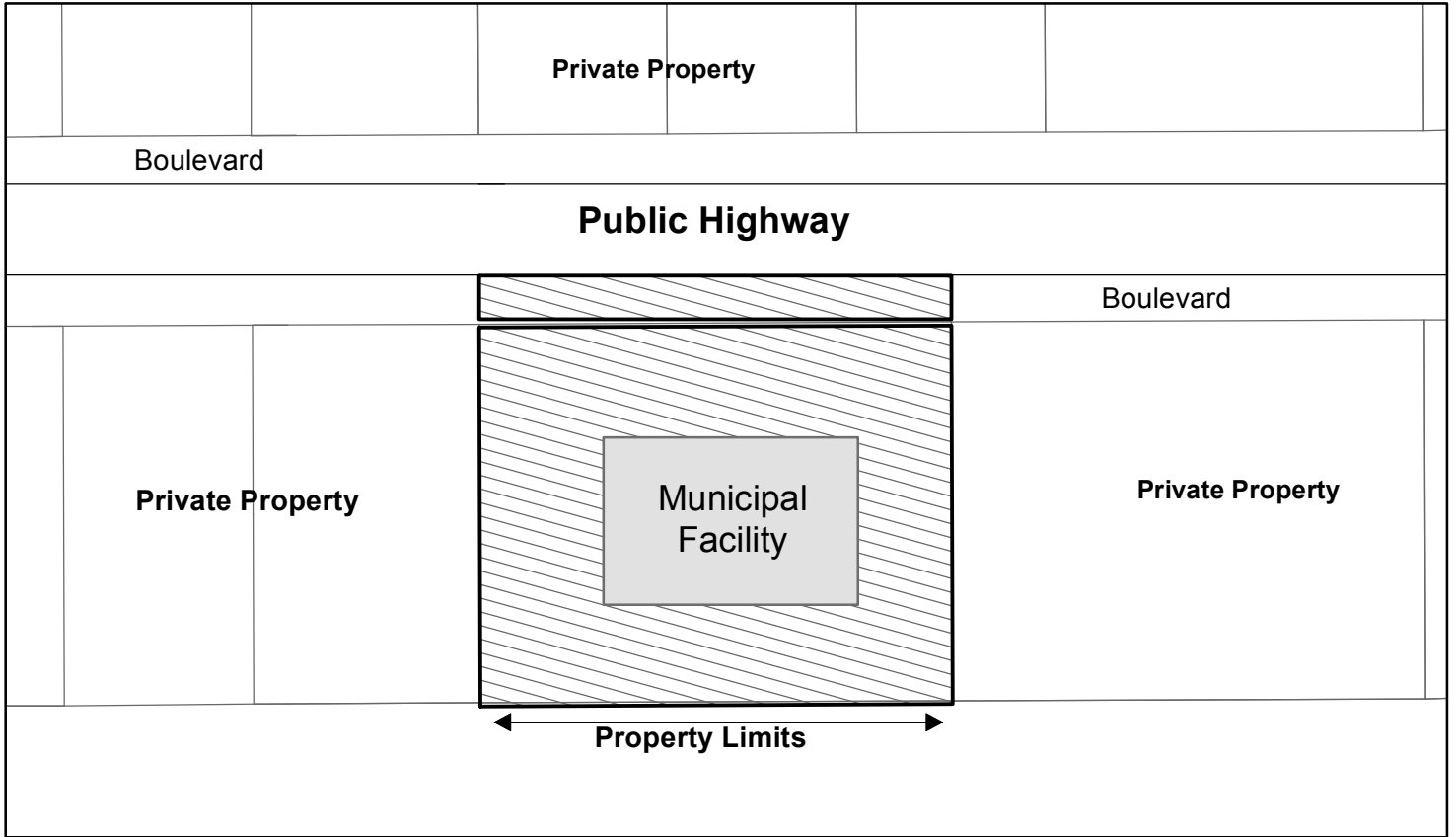
Sidewalk

20m (66ft) - R.O.W or 12m (40ft) - R.O.W

8m (26ft)

For illustrative purposes only. Not to Scale

Schedule 'C'
 BY-LAW NUMBER 2014-01
 BEING A BY-LAW TO REGULATE THE USE OF ELECTION SIGNS
 Municipal Properties - Prohibited Areas



Schedule 'D'
BY-LAW NUMBER 2014-01
BEING A BY-LAW TO REGULATE THE USE OF ELECTION SIGNS
Voting Location - Prohibited Areas On Voting Days

 **Prohibited Areas**

