



By-law No. 26-2018

Election Sign By-law

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**Consolidated for Convenience Only**

This consolidated copy of a Woolwich Township By-law is for convenient information. While every effort is made to ensure the accuracy of this copy, the original by-law must be consulted for all legal interpretations and applications. For more information or to view by-laws please contact the Clerks Division. This document is available in alternate formats on request.

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# The Corporation of the Township of Woolwich

## By-law No. 26-2018

### A By-law to regulate the use of Election Campaign Signs

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Whereas pursuant to 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 pursuant to 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 the *Municipal Act, 2001*, S.O. 2001, chapter 25 a municipality has the authority to regulate advertising devices, including signs; and

Now therefore be it enacted and it is hereby enacted by the Council of The Corporation of the Township of Woolwich as follows:

#### **Part I. Short Title, Purpose and Scope**

##### **Short Title**

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

##### **Purpose**

2. This by-law has been enacted to regulate the placement of election campaign signs for the purpose of preventing hazards to vehicles and pedestrians and further to regulate the erection and removal dates for election campaign.

##### **Scope**

3. This by-law shall apply to:
  - a. All regular Municipal, Provincial, Federal and School Board Elections, including any by-election;
  - b. Candidates, Third Party Advertisers and all other persons erecting Election Campaign Signs.
4. This by-law shall not apply to non-election related signs as regulated under the Township's Sign By-law.

## Part II. Interpretation

### Headings

5. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

### References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended from time to time.

### Definitions

7. For the purposes of this by-law:

**"Campaign sign" or "Election sign"** means an outdoor sign or other outdoor advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons:

- a. to give or to refrain from giving their votes to a candidate at an election held in accordance with the *Canada Elections Act*, *The Elections Act (Ontario)*, or the *Municipal Elections Act, 1996*;
- b. to vote in favour of or against any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;

**"Candidate"** means a person officially nominated as a candidate at an election or their authorized agent;

**"Election Help Centre"** means a place designated by the Clerk where an elector can receive election services, including amending the Voters' List, asking questions about the election and accessing the internet to vote;

**"Ground Mounted Sign"** means a sign upheld by no more than two wooden or non-metal supports constructed on or driven into the ground where each wooden or non-metal support is no greater than 7 cm or 2 ¾" by 7cm or 2 ¾" in cross-section, or a sign upheld by a support located on private property such that the sign and support encroach into the road allowance no more than 1.0 metre;

**"Illuminated Sign"** means a Sign that is lit from within or by an external light source focused chiefly on the sign;

**"Local Board"** means a local board as defined in Part 1 of the *Municipal Act, 2001, S.O. 2001, c.25* and for the purposes of this by-law, includes a school board;

**"Officer"** means a Police Officer, Municipal Law Enforcement Officer or any person appointed by the Municipality;

**"Person"** means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person whom the context can apply according to law;

**"Polling place" or "Voting place"** means the entire building where the voting will occur and the property associated with the building;

**"Public property"** means any municipally-owned land including but not limited to road allowances, roadside ditches, boulevards and sidewalks;

**"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;

**"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;

**"Sight triangle"** including **"Corner Visibility Triangle"** and **"Daylighting Triangle"** means a sight triangular area free of buildings or structures or other visual obstructions and formed within a corner lot by the intersection street lines or the projections thereof and a straight line connecting them 7.5 metres from their point of intersection. A corner lot is a lot situated at the intersection of and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees;

**"Sign Owner"** means the Candidate or Third Party Advertiser having the use or major benefit of the sign;

**"Temporary Sign"** means a sign not constructed or intended for long term use. It is primarily used for events such as, advertising special event grand openings, or holidays and can include real estate sales signs, elections, yard sales, and includes mobile signs;

**"Third Party Advertiser"** means a person, corporation or trade union registered to spend money advertising or campaigning in support or opposition to a candidate or question on the ballot;

**"Township"** means The Corporation of the Township of Woolwich;

**"Vehicle Sign"** means a sign which is displayed on a vehicle and includes a sign painted or otherwise exhibited on a vehicle or a sign displayed on shrink wrapping placed over a vehicle; and

**"Wire-mounted Sign"** means a sign upheld by no more than two supports constructed on or driven into the ground, where each support is made of metal wire.

## **Part III. General**

### **General**

8. No person shall erect, cause or permit to be erected a campaign sign on a road allowance except for a campaign sign that:
  - a. is a ground-mounted, moveable or wire-mounted sign;
  - b. has dimensions that are not more than 1.2 metre in sign width (side to side) and not more than 0.8 metres in sign length (top to bottom);
  - c. is placed with a sign height from the finished grade to the top of the sign that is between 0.6 and 0.9 metres;
  - d. has no part of the sign within:
    - i. 0.5 metres of a roadway if there is a curb and no shoulder;
    - ii. 0.5 metres of a shoulder;
    - iii. 3.0 metres of a roadway if there is no curb and no shoulder;
    - iv. 0.5 metres of a sidewalk;
    - v. 5.0 metres of a driveway, measured from the nearest edge of the driveway;
    - vi. 15.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
    - vii. 3.0 metres of any fire hydrant;
    - viii. a sight triangle;
    - ix. 30 metres of a roundabout as measured from the outer edge of any crosswalk on the roundabout and away from the roundabout; or
    - x. 1.0 meters of any other sign.
  - e. is one of not more than two permitted election signs advertising the same person or their political party or position on a plebiscite or municipal question, for each side of a Township road between two consecutive intersecting roads.

### **Use of Township Logo, Crest, Seal**

9. No person shall use or display the Township logo, crest or seal in whole or in part on any campaign sign.

### **Flashing, Moving or Mechanical Signs**

10. No person shall erect, cause or permit to be erected a campaign sign that incorporates in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description.

## **Timing**

11. Every candidate, or his agent, Third Party Advertiser or any other person shall only affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed, or otherwise displayed:
  - a. 45 days prior to voting day of a referendum, a municipal question or a municipal or school board election; or
  - b. after the issuance of the writ for an election or by-election; and
  - c. and shall be removed within 72 hours following the voting day.

## **Public Property**

12. No person shall erect, cause or permit to be erected a campaign sign, in any public park or on any public property owned or occupied by the Township of Woolwich, or any local board except:
  - a. an area of residence within a property owned by the Township of Woolwich; or
  - b. a road allowance unless the road allowance is adjacent to a public park or municipal facility.

## **Mounting Signs**

13. No person shall at any time nail or otherwise attach a campaign sign, or cause a campaign sign to be nailed or otherwise attached, to or upon anything located on a road allowance and this shall include utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures.

## **Emergency Access**

14. No person shall erect, cause or permit to be erected a campaign sign that may obstruct or impede any emergency fire routes or escape routes or impede free access of emergency vehicles.

## **Voting Places**

15. No person shall at any time on any election voting day including those days when advance election voting is held, erect, cause or permit to be erected a campaign sign or display a vehicle sign on any grounds associated with any place being used as a polling place, voting place or Election Help Centre.
16. No person shall at any time erect, cause or permit to be erected a campaign sign or display a vehicle sign within 150 metres (492 feet) of a polling place, voting place or Election Help Centre except on private property.

### **Private Property**

17. No person shall erect, cause or permit to be erected a campaign sign on private property without the owner's consent.

### **Removal/Damage to Campaign Signs**

18. No person shall deface, remove or willfully cause damage to a lawfully erected campaign sign.
19. When an Officer has reasonable and probable grounds to believe that a campaign sign has been erected, caused or permitted to be erected, in a manner that contravenes any provision of this By-law, the Officer may cause the campaign sign to be removed without notice.
20. The Township may destroy any election sign which has been seized within 5 days without compensation to the sign owner if the election sign is not claimed and retrieved by the sign owner for the fee set out in the Township's Fees and Charges By-law and said fee may be waived for up to the first three signs seized at the Officer's discretion.
21. The Township shall not be liable for any damage or loss of a Campaign sign that was displayed in accordance with this By-law or that was removed by an officer of the Township.

## **Part IV. Enforcement and Penalty**

### **Enforcement**

22. A Police Officer, Municipal Law Enforcement Officer or other person authorized by the Township to enforce this By-law, as amended, is hereby vested with the authority of administering and enforcing the provisions of this By-law.

### **Penalty**

23. 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.
24. Fines shall be issued under this by-law on a per sign basis and each sign erected in contravention of any provision of this By-law shall be fined as an individual and separate offence in accordance.
25. 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* or under a by-law passed under the *Municipal Act, 2001*.

## **Part V. Conflict and Transition**

### **Conflict**

26. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

### **Terms Severable**

27. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

### **Repeal**

28. By-law 37-2014 is repealed.

### **Enactment**

29. This by-law shall come into full force and effect on the date that the set fines are approved by Ministry of the Attorney General at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.
30. FINALLY PASSED this 1<sup>st</sup> day of May, 2018.

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Mayor

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Clerk