

THE CORPORATION OF THE TOWNSHIP OF SHUNIAH

BY-LAW NUMBER 2204-06

Being a by-law to regulate Election Signs.

WHEREAS Section 11 (1) of the Municipal Act, S.O. 2001, as amended, states that the municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Section 99 (1) of the Municipal Act, S.O. 2001, as amended, states that the municipality shall give notice of its intention to pass the by-law;

AND WHEREAS Notice of the proposed by-law regarding election signs was published in the local newspaper on April 29, 2006 and interested persons were given an opportunity to be heard at a public meeting held on May 8, 2006;

AND WHEREAS it is necessary to have an Election Sign By-law for the Township to ensure public safety on our roads and highways during an election period.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SHUNIAH ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **"Candidate"** shall have the same meaning as in the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*, as applicable, and shall be deemed to include a person seeking to influence another person to vote for or against any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.
- 1.2 **"Clerk"** means the Clerk of the Corporation of the Township of Shuniah.
- 1.3 **"Election Sign"** means any sign:
- (a) advertising or promoting a candidate in a federal, provincial or municipal election or by-election;
 - (b) or other advertising device, including without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof, which promote or relate to any federal, provincial or municipal election, including an election of a local board or commission; or
 - (c) that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to electors under section 8 of the *Municipal Elections Act, 1996*.
- 1.4 **"Highway"** shall have the same meaning as the Highway Traffic Act, RSO 1990 c.H.8, and includes a common and public highway, street, roadway, avenue, gate, alley, court, crescent, boulevard, lane, trail, way, chase, road, drive, circle, mews, line, sideroad, parkway, driveway, square, place, bridge, viaduct, or trestle, any part or 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.
- 1.5 **"Local Roads and Streets"** provide access to properties. Trips on local roads have their origin or destination within the length of the road. An example of a local road would be Lakeshore Drive.
- 1.6 **"Manager of Operations"** means the Manager of Operations for the Corporation of the Township of Shuniah.
- 1.7 **"Mobile Sign"** means any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people, goods or other materials.

- 1.8 **"Municipal Law Enforcement Officer"** shall mean a person appointed by the Council of The Corporation of the Township of Shuniah for the purposes of enforcing Township by-laws and for the purpose of this by-law shall include the York Regional Police.
- 1.9 **"Public Property"** means property owned by or under the control of the Township of Shuniah or any of its agencies, boards or commissions.
- 1.10 **"Public Utility Pole"** means a pole owned or controlled by an entity which provides a municipal, regional or public utility service, including street lights, stop light, Bell Canada, Hydro and any subsidiaries thereof.
- 1.11 **"Sight Triangle"** means the triangle space formed by intersecting street lines on a corner lot and a line drawn from a point on one of the streets to a point on the other street line.

2. General

- 2.1 No person shall erect, attach, place or display an Election Sign except as permitted by this by-law.
- 2.2 No person, or his or her agent, shall erect, install or otherwise use an Election Sign on municipal property without first obtaining permission from the Manager of Operations.
- 2.3 No permits are required by the Township of Shuniah for the erection of Election Signs in the Township.
- 2.5 Election Signs shall not
- (a) be attached to trees;
 - (b) have flashing lights or rotating parts;
 - (c) be illuminated; or
 - (d) simulate any traffic control device.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 2.5 No person shall at any time on any election voting day, including those days when advance election voting is held:
- (a) place an Election Sign, or cause an Election Sign to be placed on any premises used as a polling place for elections; and
 - (b) place, or caused to be placed, an Election Sign, poster or placard in or on a vehicle that is parked on any premises used as a polling place for elections if the sign, poster or placard is visible.
- 2.6 No person shall display the Township of Shuniah logo, crest or seal in whole or in part, on any Election Sign.
- 2.7 Mobile Signs are not permitted.
- 2.8 No person shall erect an Election Sign where it obstructs or interferes with a door or fire escape of a building.
- 2.9 Election Signs shall only be erected or installed on private property by or with the consent of the owner or occupant of such property.

3. Election Signs on Public Property

- 3.1 No person shall at any time place an Election Sign, or cause an Election Sign to be placed, in any public park owned or occupied by the Township of Shuniah.
- 3.2 Election Signs may be erected or displayed on municipal public highways, including municipal road allowance, if:

- (a) the signs are not placed on the public highway adjacent to a public park;
- (b) the signs are no smaller than .74 m² (8 square feet) - [for example, 2 feet by 4 feet or 2 feet, 8 inches by 3 feet];
- (c) the signs are no larger than 2.0 m² (21.528 square feet) - [for example, 5 feet by 4 feet or 6 feet by 3.5 feet or 7 feet by 3 feet];
- (d) the signs are no higher than 2 metres (6.5 feet) above ground level;
- (e) the signs are not located within 1 metre (3.3 feet) from the edge of a shoulder of a highway;
- (f) the signs are not placed on an arterial or collector roadway, in a sight triangle (15 metres or 49 feet) from the edge of the pavement at an intersection;
- (g) the signs are not placed on a local roadway, in a sight triangle (8 metres or 26.246 feet) from the edge of the pavement at an intersection;
- (h) the signs are not located on a bridge, overpass, median, island, central boulevard or sidewalk; and
- (i) the signs are not erected or installed so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic.

3.3 Despite the provisions of this or any other by-law, no person shall attach an Election Sign to a Public Utility Pole, light standard, any official sign or official sign structure, utility box, planter, bench, waste receptacle, newspaper box, or mail box on a road allowance.

4. Timing

- 4.1 Election Signs shall not be erected or displayed prior to twenty-five days before a Municipal Election.
- 4.2 Election Signs shall not be erected or displayed for a federal or provincial election until the day that the writ of election is issued.
- 4.3 Despite Sections 4.1 and 4.2, Election Signs may be erected on campaign offices once the candidate has filed his or her nomination papers and paid the required filing fee.
- 4.4 All Election Signs shall be removed no later than three (3) days following the voting day of the election for which the signs was erected or installed. For the purpose of this subsection, the candidate shall be responsible for the removal of his or her Election Signs within the prescribed time frame.

5. Removal of Unlawful Election Signs

- 5.1 If a sign is erected or displayed in violation of this by-law, the appropriate Township officials shall cause the sign to be removed.
- 5.2 Any Election Signs erected or installed in violation of this by-law shall be removed under the direction of the Clerk.
- 5.3 Election Signs removed by the Township of Shuniah shall be retained by the Township for a period of 30 days during which time the owner of the said sign or the owner's agent may retrieve the sign.
- 5.4 Election Signs removed by the Township of Shuniah and stored for a period of 30 days may be destroyed or otherwise disposed by the Township of Shuniah without notice and without compensation to the owner.

6. Penalty

- 6.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to the penalties specified by the *Provincial Offences Act, R.S.O. 1990, cP.33*, as amended.

7. Liability for Damages

7.1 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 such signs.

8. Precedence over Election Sign Provisions in other By-laws

8.1 In the event of a conflict between this by-law and the provisions of another Township by-law regulating signs, including Election Signs, the provisions of this by-law prevail.

9. Effective Date

9.1 This by-law shall take effect on the final date of passing hereof.

READ A FIRST AND SECOND TIME THIS 8th DAY OF May 2006

Carrie Harding
Reeve

[Signature]
Deputy - Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF May 2006

Carrie Harding
Reeve

[Signature]
Deputy - Clerk