

# THE CORPORATION OF THE TOWNSHIP OF ESSA

## BY-LAW NO. 2018 – 34

### Being a By-law to repeal By-law 2004-15 and to regulate the number, location and size of Election Campaign Signs within the Township of Essa.

WHEREAS the *Municipal Act*, 2001 provides that a Council of a municipality may pass a by-law for the prohibition or regulation of the erection of signs and other advertising devices; and

WHEREAS Council of the Township of Essa deems it advisable to have a by-law regulating the number, location and erection of municipal election signs;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

#### 1. DEFINITIONS

- 1.1 "Candidate" means, in relation to an election in a municipality or school board, a person who has been nominated under Section 33 of the *Municipal Elections Act*.
- 1.2 "Certified Candidate" means, in relation to an election in a municipality or school board, a candidate whose nomination has been certified under Section 35 of the *Municipal Elections Act*, 1996 and the *Education Act*, 1990.
- 1.2 "Election Campaign Sign" means any sign, poster or other advertising device that advertises or promotes a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or, is 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.
- 1.3 "Registered Third Party Advertiser" means, in relation to an election in a municipality, an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act*, 1996, as amended.
- 1.4 "Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic.
  - (a) In an urban area, a roadway is the portion of the street between the curbs.
  - (b) In a rural area, the roadway is situated from the top edge of the shoulder on one side of the road to the top edge of the shoulder on the opposite side of the roadway.

#### 2. SIGN DEPOSIT AND REFUND

- 2.1 Prior to any election campaign sign being erected within the Township of Essa, certified candidates and third party advertisers shall file a deposit fee in the amount of \$100.00.
- 2.2 Deposits shall be submitted to the Township Clerk and may be paid in the form of cash or cheque payable to the Township of Essa.

- 2.3 Sign deposits are due and payable at the time of the filing of candidate nomination/third party registration papers, and prior to the erection of any election campaign signs for any municipal or school board candidates.
- 2.4 The \$100.00 deposit will be refunded upon satisfactory removal of all election signs. All candidates and registered third party advertisers will be advised of this By-law and procedures upon the filing of their nomination papers with the Clerk.
- 2.5 Election campaign signs shall be removed within five (5) days following an election. If not removed within this time frame, the Clerk may direct that the signs be removed and the deposit retained by the municipality.
- 2.6 The Clerk's decision to retain the deposit shall be final and not subject to review.
- 2.7 In the event that the deposit is not retained, the Clerk shall direct the Manager of Finance to refund the deposit paid under this By-law upon satisfactory removal of all election campaign signs.

### 3. GENERAL PROVISIONS

- 3.1 Election campaign signs shall not be erected prior to 45 days from Voting Day for an impending municipal election, or in the case of a federal or provincial election, campaign signs shall not be erected prior to the issuance of writs.
- 3.2 Election campaign signs shall not be erected on private property without the express consent of the owner and/or occupant.
- 3.3
  - a. The candidate to whom the sign relates shall be responsible for the erection, maintenance or display of the election campaign sign, and shall ensure that all requirements of this By-law are met.
  - b. Third party advertisers shall comply with all provisions in this By-law, and shall ensure that all election campaign signs contain the mandatory information as outlined in the *Municipal Elections Act*, 1996.
- 3.4 The number of municipal election campaign signs that may be erected on public property will be limited to:
  - a. Candidates running for Mayor and Deputy Mayor in the Township of Essa can erect a maximum of 150 election campaign signs throughout the whole of the Township within its municipal boundaries.
  - b. Candidates running for Ward Councillor in the Township of Essa can erect a maximum of 50 election campaign signs, which shall be placed only within the ward in which the candidate is running.
  - c. Registered Third Party Advertisers can erect a maximum of:
    - i. 25 signs per Ward, if opposing Mayoral or Deputy Mayoral Candidate, or opposing a question on the ballot; or
    - ii. 25 signs in the Ward of which the candidate is running that the Third Party Advertiser is supporting/opposing. Third Party Advertisers are required to comply with all provisions within the legislation, and shall be placed in accordance with all provisions outlined in this By-law.

- 3.5 a. In a municipal election, no person shall display an election campaign sign except within the ward boundary of which the candidate is running.
- 3.5 b. In a provincial or federal election, no person shall display a provincial or federal election campaign sign except within the candidate's riding boundary.
- 3.6 There are no restrictions on the number of election campaign signs that may be erected on private property, with the express consent of the owner and/or occupant.
- 3.7 Illuminated election campaign signs are prohibited.
- 3.8 Notwithstanding any other provisions of this By-law, where a road serves as a boundary between Wards, no person shall display an election campaign sign except on private property on the side of the road within the boundaries of the Ward/Riding to which the election campaign sign relates.
- 3.9 No candidate and/or agent shall erect election campaign signs whereby the placement of the sign may cause injury or danger to pedestrians or persons utilizing the municipal road system.

#### **4. RESTRICTIONS AND ENFORCEMENT**

- 4.1 No election campaign sign shall be larger than 1.2 m x 1.2 m (4 ft. x 4 ft.) or erected where the bottom of the sign is higher than 1.2 m (4 ft.) from ground level.
- 4.2 No election campaign sign shall be located within 45.72 m (150 ft.) of any voting location, including the parking lot and road allowance in front of any voting location, unless the express consent of the Clerk has been granted.
- 4.3 Election campaign signs erected on private property shall be placed in a location that is not visible from the voting location.
- 4.4 No election campaign sign shall be located within 45.72 m (150 ft.) in either direction from the driveway across the frontage of the Essa Administration Centre.
- 4.5 No person shall at any time place an election campaign sign, or cause an election campaign sign to be placed, in any public park or on any property owned or occupied by the Township of Essa or any local board except as permitted by this By-law.
- 4.6 No election campaign signs shall be erected in a boulevard area fronting private property without the express consent of the property owner and/or occupant. Certified candidates may be required to produce proof of written consent from the property owner / occupant to the Township Clerk within 24 hours upon request.
- 4.7 No election campaign signs shall be erected closer than 1.5 m (4.9 ft.) from the edge of a roadway.

- 4.8 Where the road allowance includes a roadside ditch, no election campaign signs shall be erected on the portion of the road allowance between the roadside and the ditch.
- 4.9 No more than two (2) election campaign signs per certified candidate shall be permitted at any one intersection, and no more than one (1) election campaign sign per candidate shall be permitted on any one (1) corner of an intersection.
- 4.10 No election campaign sign shall be placed on any of the following items located on municipal property or road allowances:
- a. Tree;
  - b. Post;
  - c. Utility pole;
  - d. Fence; or
  - e. Attenuation wall
- 4.11 No election campaign sign shall:
- a. Obstruct the visibility of any pedestrian or driver, or obstruct the visibility of any traffic sign or device, or interfere with vehicular traffic in any manner;
  - b. Obstruct openings required for light, ventilation, ingress, egress, or firefighting;
  - c. Constitute a danger or hazard to the general public.

## **5. REMOVAL OF SIGNS**

- 5.1 Where election campaign signs have been erected or affixed in contravention of this By-law, the Township may:
- a. Notify the certified candidate or their agent to repair or remove the sign, or take the necessary action to make the sign comply with the provisions of this by-law within 24 hours; or
  - b. Cause the sign(s) to be removed immediately, without notice to the owner or apparent owner, by the Township's Municipal Law Enforcement Officer or any other individual designated by the Clerk, and charge the certified candidate or agent a fee in accordance with Section 2.1. Recurring offenders will waive their right to have their deposit returned.
- 5.2 In accordance with provision 2.5 of this By-law, election campaign signs must be removed within five (5) days following the election. If they are not removed within this time frame, Township staff will remove the sign(s) and the deposit will be retained by the municipality.

## **6. SEVERABILITY**

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.


**7. FORCE AND EFFECT**

7.1 By-law 2004-15 be and is hereby repealed.

7.2 This By-law shall be known as the "Election Campaign Sign By-law".

7.3 This By-law shall take effect on the date of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY  
PASSED on this the 18<sup>th</sup> day of April, 2018.



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Terry Dowdall, Mayor



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Lisa Lehr, Clerk