



## **THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD**

### **BY-LAW NO. 2022-15**

#### **Being a by-law to regulate election signs within the Township of Southwold**

**WHEREAS** Section 11(3) of the Municipal Act, S.O. 2001, as amended, provides that a lower tier municipality may pass by-laws respecting structures, including signs;

**AND WHEREAS** Section 88.2 of the Municipal Elections Act, 1996, as amended, outlines provisions for the permitting of posting election signage;

**AND WHEREAS** the Council of the Corporation of the Township of Southwold deems it necessary to have an Election Sign By-law for the Township of Southwold;

**NOW THEREFORE** the Council of the Corporation of the Township of Southwold hereby enacts as follows:

#### **SHORT TITLE**

This By-law may be cited as the 'Election Sign By-law'

#### **Section 1 - Definitions**

- 1.1 'Candidate' shall mean:
- i. the same meaning as in the Municipal Elections Act, 1996, as amended, 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; or
  - ii. a person running to be a Member of Provincial Parliament, who has been issued a Certificate of Nomination from a returning officer or the Chief Electoral Officer during the election period; or
  - iii. a person who seeks election to public office in a federal election trying to be elected a member of Parliament.

- 1.2 'Corner Visibility Triangle' including 'Daylighting Triangles' and 'Sight Triangles' shall mean a 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.
- 1.3 'Election Sign' shall mean any sign:
- i. advertising or promoting a candidate in a municipal, provincial or federal election or by-election;
  - ii. other advertising device, including without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof, which promote or relate to any municipal, provincial or federal election, including an election of a local board or commission; and
  - iii. 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, as amended.
- 1.4 'Highway' shall have the same meaning as the Highway Traffic Act, RSO 1990 c.H.8, as amended, and includes common and public highway, street, roadway, avenue, gate, alley, court, crescent, boulevard, lane, trail, way, chase, road, drive, circle, mews, line, side road, 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 lines thereof.
- 1.5 'Municipal Law Enforcement Officer' shall mean a person appointed by the Council of the Corporation of the Township of Southwold for the purpose of enforcing Municipal By-laws and for the purpose of this by-law shall include Ontario Provincial Police and the Director of Infrastructure & Community Services or designate.
- 1.6 'Public Property' shall mean property owned by or under the control of the Township of Southwold or any of its agencies, boards or commissions, including highways, boulevards and road allowances, and shall be further deemed to include public utilities facilities, regardless of whether the public

utilities facilities are owned by or under the control of the Municipality and shall also be deemed to include, benches, municipal recycling containers or other structures, located on a highway regardless of whether the containers or structures are owned by the Municipality. Property owned by the Municipality and leased to another person or entity shall not be and shall not be deemed to be public property.

- 1.7 'Official Sign' shall mean a sign placed by the Municipality to control and regulate the movement of vehicles and pedestrians, signs posted by the Municipality under the provisions of the Sign By-law, includes a sign approved by the Ministry of Transportation Ontario, and includes signs described in the Highway Traffic Act, RSO 1990 c.H.8, as amended.
- 1.8 'Person' shall mean an individual, corporation, partnership or sole proprietorship.
- 1.9 'Premises' shall include the parking lot, adjoining fences and road allowances.
- 1.10 'Vehicle' includes any means of transportation powered by any type of motor or humanpower.
- 1.11 'Voting Place' means the entire property and all the boundaries associated with it, when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises.

## **Section 2 - General Provisions**

- 2.1 No Person shall erect, attach, place or display any Election Sign except as permitted by this by-law.
- 2.2 No Person or Candidate shall erect, attach, place or display any Election Sign or permit to be erected, attached, placed or displayed any Election Sign:
- i. on or overhanging Public Property, including a Municipal Park or a facility that is owned or operated by the Municipality;
  - ii. on a utility pole or light standard;
  - iii. which include electronic display 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;
  - iv. on any Official Sign or Official Sign structure;
  - v. in a 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 on public streets and roads or which are located in a sight triangle;
  - vi. which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic;
  - vii. on a tree, stone or other natural object;
  - viii. at a voting place;
  - ix. on or within a vehicle parked at a voting place;
  - x. without Ontario One Call approval, where applicable;
  - xi. in a location where the Election Sign:
    - a. obstructs or impedes any required fire escape, fire exit, door, window etc., or so as to prevent or impede access of firefighters to any part of a building;
    - b. constitutes a danger or hazard to the general public.
- 2.3 No Person or Candidate, to whom the Election Sign relates, shall erect, attach, place or display or permit to be erected, attached, placed or displayed any Election Sign not in compliance with the requirements of this By-law.
- 2.4 No Person shall pull down, deface or remove a lawfully erected Election Sign on private property without the consent of the Candidate to whom the sign relates or the Owner of the property on which the Election Sign is erected.
- 2.5 No Person shall erect, attach, place or display or permit to be erected, attached, placed or displayed an Election Sign in such a position that such Election Sign would contravene any other applicable legislation.
- 2.6 No Person shall display the Township of Southwold logo, crest, trademark or seal, in whole or in part, on any Election Sign.
- 2.7 No Person or Candidate, to whom the Election Sign relates, shall erect, attach, place or display or permit to be erected, attached, placed or displayed any Election Sign on private property without the consent of the

owner or occupant of such property.

- 2.8 No Person shall erect, attach, place or display or permit to be erected, attached, placed or displayed any Election Sign except as in accordance with the Ontario Building Code Act, 1992, S.O. 1992, c. 23, as amended.
- 2.9 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Municipal Law Enforcement Officer or Infrastructure & Community Services Employee while exercising any power or performing any duty under this By-law.
- 2.10 No Person shall erect, attach, place or display or permit to be erected, attached or displayed an Election Sign on any Public Property, with the exception of a Highway, pursuant to the provisions of Section 2.2 of this By-law

### **Section 3 - Election Sign Placement Timing**

- 3.1 No Person shall erect, attach, place or display or permit to be erected, attached, placed or displayed an Election Sign prior to Nomination Day.
- 3.2 Despite Sections 3.1, an Election Sign may be erected, attached, placed or displayed once the Candidate has filed his or her nomination papers and paid the required filing fee.
- 3.3 Every Person or Candidate, to whom the Election Sign relates, shall remove the Election Sign no later than 72 hours following the Voting Day of the election for which the Election Signs were erected, attached, placed or displayed. 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.

### **Section 4 - Removal of Unlawful Election Signs**

- 4.1 Where an Election Sign has been erected, attached, placed or displayed in contravention of any provision of this By-law, a Municipal Law Enforcement Officer may cause the Election Sign to be removed immediately without notice and/or take any further action as provided within this By-law.

- 4.2 If an Election Sign is removed in accordance with Section 4.1 of this By-law, any person responsible for erecting, attaching, placing or displaying the Election Sign in contravention of this by-law shall, in addition to any fine or other penalty which may be imposed for an offence under this by-law, be required to pay to the Municipality the cost of removing the Election Sign.
- 4.3 If an Election Sign is removed pursuant to Section 4.1 of this By-law, the Candidate to whom the Election Sign relates shall be responsible for payment of all fees pursuant to Section 4.4 of this By-law to cover the cost of removing the Election Sign.
- 4.4 The Election Sign removal costs owed to the Municipality under this By-law shall be ten dollars (\$10.00) for each Election Sign removed.
- 4.5 Election Signs removed, pursuant to Section 4.1 of this By-law, shall be stored by the Municipality for a period of not more than thirty (30) days, during which time the Candidate, upon payment of monies owed, may be entitled to redeem such Election Sign pursuant to Section 4.4 of this By-law.
- 4.6 Election Signs removed, pursuant to Section 4.1 of this By-law, and stored for a period of thirty (30) days, not redeemed with payment, pursuant to Section 4.5 of this By-law, shall be disposed of by the Municipality.
- 4.7 Any applicable fees as set out in this By-law may be recovered by legal action or in like manner as municipal taxes. Outstanding amounts will be applied to a Candidate's tax roll, if applicable, based on the qualifying address provided on the Candidate's nomination paper.

### **Section 5 - Penalty**

- 5.1 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, c. P.33, as amended.

**Section 6 - Liability for Damages**

- 6.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting, attaching, placing or displaying any Election Sign for personal injury or property damage resulting from the erecting, attaching, placing or displaying of such Election 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 any such Election Signs. Likewise, the provisions of this section shall not be construed as imposing on the Corporation of the Township of Southwold, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any Election Sign.

**Section 7 - Administration**

- 7.1 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.
- 7.2 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.
- 7.3 Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws which regulate signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner.
- 7.4 This by-law shall take effect on the date of passage by Council.
- 7.5 In the event any section or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.
- 7.6 This By-law shall apply to all Signs or Election Signs which were erected, attached, placed or displayed before this By-law was enacted and passed.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF FEBRUARY , 2022.**



Mayor  
Grant Jones



CAO/Clerk  
Lisa Higgs

