

**THE CORPORATION OF THE TOWNSHIP OF TAY**  
**BY-LAW 2009- 61**

**Being a By-Law to repeal by-law 2003-30 and to regulate the use of elections campaign signs on road allowances and other public property and also to regulate the erection and removal dates for election campaign signs.**

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25 confers on municipalities the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or any other Act;

**AND WHEREAS**, Section 11 (2) of the Municipal Act, 2001, S.O. 2001, c.25 sets out the spheres of jurisdiction for municipalities which include highways.

**AND WHEREAS**, Council deems it necessary to regulate the placement of election signs on public roadways for the purpose of preventing hazards to vehicles and pedestrians and further to regulate the erection and removal dates for election signs.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AS FOLLOWS:**

**1.0 Definitions:**

In this by-law:

**“Campaign 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;

**“Corporation”** means the Corporation of the Township of Tay.

**“Local board”** means a local board as defined in Part 1 of the *Municipal Act, 2001, S.O. 2001, c.25*;

**“Officer”** means the Municipal Law Enforcement Officer or any person appointed by the Municipality;

**“Polling 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 road allowances, 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;

“*Sight triangle*” means a triangle at the intersection of two roadways, two sides of which triangle measure 9 metres (29.53 feet) from the intersection with the third side of the triangle joining the first two sides.

“**Township**” means the Corporation of the Township of Tay.

## **2.0 Road Allowance:**

- 2.1 No person shall erect, cause or permit to be erected a campaign sign on a road allowance if the sign or any portion thereof is
- (a) on or over the roadway or a sidewalk;
  - (b) closer than 1 metre (3.28 feet) to the edge of the roadway;
  - (c) within a sight triangle at the intersection of two roadways;
  - (d) where a road allowance includes a sidewalk adjacent to a roadway, on the portion of the road allowance between the sidewalk and the roadway; and
  - (e) where a road allowance includes two or more separate roadways, on the portion of the road allowance between each roadway.
- 2.2 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 shall include utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box, or mailbox.

## **3.0 Public Property and Polling Places:**

- 3.1 No person shall erect, cause or permit to be erected a campaign sign, in any public park or on any property owned or occupied by the Corporation or any local board.
- 3.2 No person shall erect, cause or permit to be erected a campaign sign that may obstruct or impede any exit routes or escapes or impede free access of emergency vehicles.
- 3.3 No person shall erect, cause or permit to be erected a campaign sign that may obstruct the view of any official traffic signal, resemble any official traffic sign or signal or obstruct the view of any person operating a vehicle or pose a safety hazard.
- 3.4 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 campaign sign on any grounds associated with any place being used as a polling place.
- 3.5 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 campaign sign within 150 metres (492 feet) of a polling place.
- 3.6 Candidates shall have all campaign signs erected prior to election voting day, including days when advance election voting is being held, removed from a polling place or within 150 metres (492 feet) of a polling place by 11:59 p.m. on the day prior to election voting day (12:00 a.m. to 11:59 p.m.), including those days when advance election voting is held.

**4.0 Erection and Removal Dates:**

- 4.1 No person shall erect, cause or permit to be erected a campaign sign prior to Nomination Day in a municipal election year.
- 4.2 Every candidate shall ensure that campaign signs associated with a federal or provincial election are erected or installed in accordance with the *Canada Elections Act* (Federal) or *Elections Act* (Provincial).
- 4.3 Every candidate shall ensure that all campaign signs shall be removed no later than one week following the voting day of the election for which the sign was erected or installed.

**5.0 Removal of Signs:**

- 5.1 When the Officer has reasonable and probable grounds to believe that a campaign sign on a road allowance, in any public park, on any property owned or occupied by the Corporation or a local board, or any other property being utilized by the Corporation for election purposes,
  - (a) is erected, nailed or otherwise attached contrary to any provision of this by-law, or
  - (b) creates a hazard to vehicular traffic or pedestrians,
  - (c) is erected prior to the specified date
  - (d) is not removed by the deadline date
  - (e) or contravenes any other provision of this by-lawthe Officer may cause the campaign sign to be removed.

**6.0 Penalty:**

- 6.1 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.
- 6.2 Fines shall be issued on a per sign basis and each sign erected in contravention of any section of this by-law shall be fined as an individual and separate offence.

**7.0 Damage:**

- 7.1 The Township of Tay shall not be liable for any damage or loss to an election campaign sign that was displayed in accordance with this By-law or that was removed by an officer of the Township of Tay.

**8.0 Validity:**

- 8.1 If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

**9.0 Short Title:**

9.1 This by-law may be cited as the “Election Campaign Sign By-Law”.

**10.0 General:**

10.1 That by-law 2003-30 is hereby repealed.

10.2 This by-law shall come into force and take effect immediately upon the final passing thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME** and finally passed this 11<sup>th</sup> day of November 2009.

**THE CORPORATION OF THE TOWNSHIP OF TAY**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**PART I Provincial Offences Act - Set Fine Schedule**

**THE CORPORATION OF THE TOWN OF THE TOWNSHIP OF TAY**

**By-law No. 2009-61, Election Campaign Sign**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
1	Erect campaign sign on or over the roadway	Section 2. 1(a)	\$100.00
2	Erect campaign sign on or over sidewalk	Section 2.1(a)	\$100.00
3	Erect campaign sign closer than 1 metre (3.28 feet) to the edge of the roadway	Section 2.1(b)	\$100.00
4	Erect campaign sign within a sight triangle at the intersection of two roadways	Section 2.1(c)	\$100.00
5	Erect campaign sign, on the portion of the road allowance between the sidewalk and the roadway	Section 2.1(d)	\$100.00
6	Erect campaign sign on the road allowance between roadways.	Section 2.1(e)	\$100.00
7	Nail or attach campaign sign on anything located on a road allowance	Section 2.2	\$100.00
8	Erect campaign sign on public property owned by the Corporation or local board	Section 3. 1	\$100.00
9	Erect campaign sign obstructing or impeding any exit routes or escapes or impede access of emergency vehicles.	Section 3.2	\$100.00
10	Erect campaign sign obstructing a traffic signal	Section 3.3	\$100.00

11	Erect campaign sign to resemble a traffic sign / signal	Section 3.3	\$100.00
12	Erect campaign sign obstructing the view of any person operating a vehicle	Section 3.3	\$100.00
13	Erect campaign sign which poses a safety hazard.	Section 3.3	\$100.00
14	Erect campaign sign on a polling place used for elections or advanced polls	Section 3.4	\$100.00
15	Erect campaign sign within 150 meters (492 feet) of a polling place used for elections or advanced polls	Section 3.5	\$100.00
16	Fail to remove a campaign sign, previously erected, from a polling place used for elections or advanced polls	Section 3.6	\$100.00
17	Erect Municipal campaign sign prior to Nomination Day	Section 4.1	\$100.00
18	Campaign sign not removed by the specified date	Section 4.3	\$100.00

**NOTE:** A Penalty provision for the offences indicated above is section 6.0 of By-law 2009-61, a certified copy of which has been filed.

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Welcome to the Official Site for Township of Tay 2010 Municipal Election!

Municipal Elections in Ontario are governed under the *Municipal Elections Act, 1996*, as amended.

Following recent amendments to the *Municipal Elections Act, 1996* the 2010 Municipal Elections will be held on **Monday, October 25, 2010**.

Information regarding the 2010 Municipal Election will be posted to this section of the Township of Tay's website on an ongoing basis. Other additional mediums may also be utilized to ensure all voters and candidates can access up-to-date information regarding elections.

[Township of Tay Ward Map](#)

[Information for Prospective Candidates \(formal Candidate's Guide to follow\)](#)

[Nomination Forms](#)

[Election Sign By-law 2009-61](#)

[Notice of Nominations](#)

Municipal Elections are administered by the Municipal Clerk, who acts as the Returning Officer under the authority of the *Municipal Elections Act*. Should you have any questions, regarding the information on this website or the 2010 Municipal Election, please contact:

Alison Thomas, Clerk

Township of Tay

450 Park St., P.O. Box 100

Victoria Harbour, Ontario

L0K 2A0

Tel: (705)534-7248 x 240

Fax: (705)534-4493

E-mail: [athomas@tay.ca](mailto:athomas@tay.ca)

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