

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW No. 2018-08

A By-law to regulate Election Signs within the Township of Tay, and to repeal By-law 2009-61

WHEREAS the *Municipal Act, 2001*, as amended, 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 the Council of the Township of Tay deems it advisable to have a by-law regulating Election Signs;

NOW THEREFORE the Council of The Corporation of the Township of Tay enacts as follows:

1. Definitions

For the purpose of this By-law:

1.1 "Candidate" means

a) A Candidate within the meaning of *the Canada Elections Act, the Education Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996*; and

b) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the *Municipal Elections Act, 1996* as amended;

1.2 "Clerk" means the Township Clerk or a person delegated by them for the purpose of this By-law;

1.3 "Election Sign" means any sign or advertising device, including posters, promoting, opposing, or taking a position in respect to:

a) any Candidate or political party in an election held in accordance with *the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996*;

b) an issue associated with a person or political party in an election under *the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996*;

c) a question, law or by-law submitted to the electors under *the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996*;

1.4 "Jurisdiction" means the particular ward for which a candidate is running or the Township boundaries for Mayor or Deputy Mayor candidates;

1.5 "Registered Third Party Advertiser" means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the *Municipal Elections Act, 1996*, as amended.

- 1.6 "School Board"** means the English Public, French Public, English Catholic and French Catholic school boards having authority over The Township of Tay;
- 1.7 "Township"** means The Corporation of the Township of Tay
- 1.8 "Park"** means land and land covered by water and all portions thereof under the control or management or joint management of the Township, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a public trail, natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;
- 1.9 "Public Property"** means real property owned by or under the control of the Township, including a Park, Library, Community Centre, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street;
- 1.10 "Roadway"** means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;
- 1.11 "Sidewalk"** means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;
- 1.12 "Sight Triangle"** means the triangular space formed by the Roadway Lines of a corner lot and a line drawn from a point in one Roadway Line to a point in the other Roadway Line, each such point being 7 metres from the point of intersection of the Roadway Lines (measured along the Roadway Lines). Where the two Roadway Lines do not intersect at a point, the point of intersection of the Roadway Lines shall be deemed to be the intersection of the projection of the Roadway Lines or the intersection of the tangents to the Roadway Lines;
- 1.13 "Sign Height"** means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;
- 1.14 "Street"** means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the Township of Tay and this term includes all road works and appurtenant to municipal land;
- 1.15 "Voting Place"** means a place where electors cast their ballots and:
- a) when a Voting Place is located on Public Property, includes any Street abutting; or
 - b) when a Voting Place is located on private property, includes any Street abutting.

2. Timing

- 2.1** No person shall place or permit to be placed an election sign for a federal or provincial election or by-election earlier than the day the writ of election or by-election is issued.
- 2.2** No candidate, person or Registered Third Party Advertiser shall place or permit to be placed an Election Sign for a municipal election
- a) Earlier than August 1st in the year of a regular election; or
 - b) Earlier than Nomination Day for a by-election.
- 2.3** Election Signs must be removed within **five days** following an election. If not removed within this time frame, the Clerk may direct that the signs be removed and any remaining sign deposit shall not be refunded.

3. General Provisions

- 3.1** Only Candidates, registered third party advertisers, or their agents are permitted to erect election signs;
- 3.2** No person shall place or permit to be placed an Election Sign on Public Property;
- 3.3** No person shall place or permit to be placed an Election Sign in a Park;
- 3.4** No person shall place or permit to be placed an Election Sign:
- a) in a Roadway;
 - b) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - c) Between a Roadway and a Sidewalk;
 - d) in a Sight Triangle;
 - e) on a tree, fence or gate located on Public Property or a Street;
 - f) on a utility pole or light standard;
 - g) at any voting place, including the parking lot and road allowance in front of any voting place;
 - h) Obstruct the visibility of any pedestrian or driver;
 - i) Obstruct the visibility of any traffic sign or device;
 - j) Interfere with vehicular traffic in any manner;
 - k) Obstruct openings required for light, ventilation, ingress, egress, or fire or medical emergencies;
 - l) Constitute a danger or hazard to the general public.
- 3.5** No municipal election sign shall be erected outside of the jurisdiction of the position for which a Candidate is registered;
- 3.6** No municipal election sign shall be posted in the Township of Tay for a Candidate in another Jurisdiction;
- 3.8** No municipal election sign shall be posted on private property without the express consent of the owner and shall be subject to the limitations set out in 3.9;
- 3.9** No person in the urban sign area, as defined by Schedule 'A', shall post more than one election sign per candidate per property;
- 3.10** No person in the rural sign area, as defined by Schedule 'A', shall post more than two election signs per candidate per property;

3.11 All other provisions included in the *Municipal Elections Act, 1996, as amended* shall apply. It is the responsibility of candidates and registered third party advertisers to ensure compliance with applicable legislation.

4. Mandatory Information on Elections Signs & Advertisements

4.1 All parties, including candidates, shall comply with the sign and advertisement requirements set out in Section 88 of the *Municipal Elections Act, as amended*.

4.2 Mandatory Information - Candidates

All Election Signs and Advertisements purchased by or under the direction of a candidate shall identify the candidate.

4.3 Mandatory Information – Registered Third Party Advertisers

All Third Party Election Signs and Advertisements shall contain the following information:

- the name of the registered third party
- the municipality where the registered third party is registered;
- a telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

5. Sign Deposit – Municipal & School Board Elections Only

5.1 Prior to any Election Sign being erected within the Township of Tay, Candidates and Registered Third Party Advertisers shall file a deposit fee of \$200;

5.1.1 If Election Signs are erected prior to filing of a candidate's nomination or registration of a Third Party the required deposit fee shall be \$400 (double the original deposit);

5.2 Deposits must be submitted to the Clerk and may be in the form of cash, debit or cheque payable to the Township of Tay;

5.3 Sign deposits are due and payable at the time of the filing of nomination papers or prior to the erection of any signs for any municipal or school board candidates.

5.4 The Clerk's decision to retain the deposit shall be final and not subject to review.

5.5 In the event that the deposit is not retained, the Clerk shall direct the Treasurer to refund the deposit paid under this By-law upon satisfactory removal of all Election signs.

6. Enforcement & Removal of Signs

6.1 Where Election Signs have been posted in contravention of this By-law, the Clerk may remove the sign without notice, or take the necessary action to ensure that the sign complies with the provisions of this By-law with 24 hours of notice.

6.2 Where action is not taken under Section 6.1, the Clerk may direct that the signs be removed and if the signs have been posted for a municipal or school board election, the deposit shall be retained by the municipality as follows:

- 1st sign removed \$35 taken from deposit,
- 2nd sign removed additional \$65 taken from deposit,
- 3rd sign removed balance of deposit retained by municipality.

6.3 The Clerk may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons or Owner within the time period prescribed under Section 2.3 or 6.1.

7. Penalty

7.1 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.

8. Damage

8.1 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.

9. Validity

9.1 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, be applied and enforced in accordance with its terms to the extent possible according to law.

10. Short Title

10.1 This by-law may be cited as the "Election Sign By-Law".

11. General

11.1 That By-law 2009-61 is hereby repealed.

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

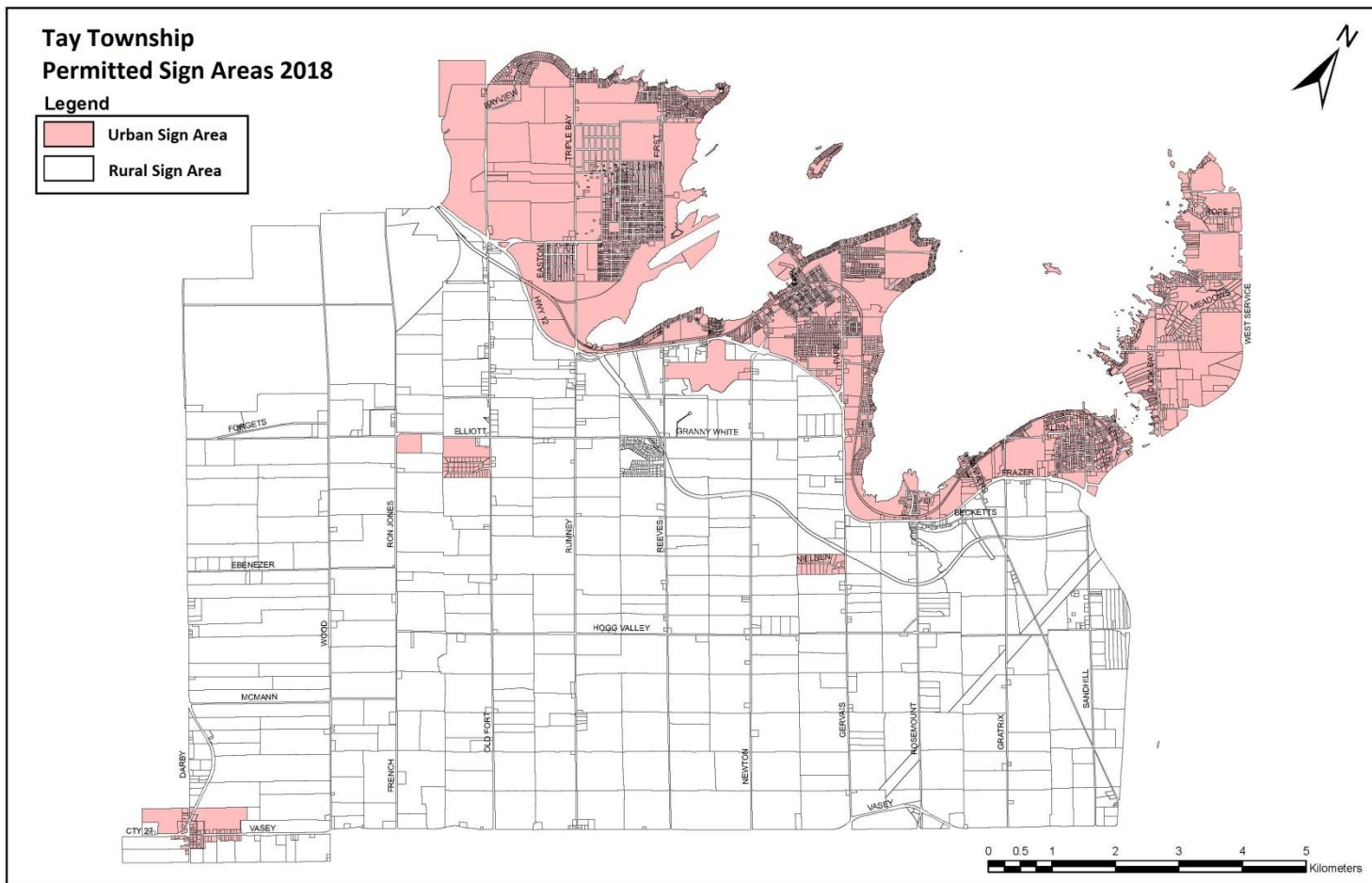
BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF FEBRUARY, 2018.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Gray

Schedule 'A'
By-law 2018-xx





Election & Advertising Sign Deposit Form

Please complete the form below and return it with your deposit of \$200.00 to the Township of Tay.

Candidate or Third Party Advertiser

Address:

Phone: _____
Fax: _____
Email: _____

I, _____, do hereby acknowledge that I have received and read a copy of the Township of Tay Election Sign By-law and agree to the terms and conditions contained therein. I understand that a contravention of the By-law may result in the loss of this deposit.

Upon satisfactory removal of all municipal election signs by a candidate from public and private property after Election Day, this deposit or any remaining portion will be returned to the candidate in a timely manner.

Signature **Date**

Deposit Amount Received: _____

Clerk Date

Deposit Amount Returned: _____

If full deposit not returned, explanation:

Clerk Date