

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BY-LAW NUMBER 2018-044

Being a by-law to manage and regulate election signs and other election advertising devices within the Town of East Gwillimbury

WHEREAS subsection 11(3), paragraph 1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of East Gwillimbury to pass by-laws respecting highways over which it has jurisdiction; and,

WHEREAS subsection 11(3), paragraph 7 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of East Gwillimbury to pass by-laws respecting signs; and,

WHEREAS subsection 63(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of East Gwillimbury, if it passes a by-law for prohibiting or regulating the placing of an object on a highway, to provide for the removal of any object placed on a highway in contravention of that by-law; and,

WHEREAS section 425 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of The Corporation of the Town of East Gwillimbury is guilty of an offence;

NOW THEREFORE the Municipal Council of The Corporation of the Town of East Gwillimbury enacts as follows:

1. Short Title of By-Law

1.1 This By-law may be referred to as the "Election Sign By-law".

2. Definitions

In this By-law:

"Billboard Sign" means an outdoor Sign maintained by a Person engaged in the sale or rental of space on the Sign to a client, advertising a business, activity, goods, products, services or facilities that are offered at a location different from that where the sign is located.

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or Registered Third Party.

“Canada Elections Act” means the federal statute cited as the *Canada Elections Act*, S.C. 2000, c.9, as amended.

“Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.

“Council” means the Council of the Corporation of the Town of East Gwillimbury.

“Election Act” means the Ontario provincial statute cited as the *Election Act*, R.S.O. 1990, c.E.6, as amended.

“Election Sign” means any Sign promoting, opposing or taking a position with respect to:

- (a) A Candidate or political party participating in an election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;
- (b) A question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;
- (c) An issue associated with a person or political party participating in an election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*; or
- (d) Signs placed by a Registered Third Party.

“Enforcement Officer” means a person appointed by Council as a municipal law enforcement officer and shall also include an officer of the York Regional Police Service.

“Fascia Sign” means a sign applied to or erected on and entirely supported by the wall of a building or structure.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, sidewalk, and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes the boulevard strip between a sidewalk and the curb and any area between the lateral property lines of the highway.

“Intersection Signal” means traffic control signals and/or a stop sign.

“Municipal Clerk” means the Municipal Clerk/Returning Officer for the Town or his or her designate.

“Municipal Elections Act” means the Ontario provincial statute cited as the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended.

“Park” means any land or premises under the control and/or ownership of the Town for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land.

“Person” means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, or Trade Union.

“Place” means to: attach, install, erect, build, construct, reconstruct, move, display or affix. “Places”, “Placing” and “Placed” shall have the same meaning.

“Private Property” means real property that is not a Highway or Public Property.

“Public Property” means real property owned, leased, or under the control of the Town, Region of York, Provincial Government, Federal Government or any of their respective agencies, boards or commissions, but does not include a Highway. For the purpose of the this By-law, Public Property also includes public utility poles, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include bus shelters, municipal garbage containers or other structures, located on a Highway regardless of whether the shelters, containers or structures are owned by the Town.

“Registered Third Party” means any Person whose notice of registration has been certified with the Municipal Clerk pursuant to section 88.6 of the *Municipal Elections Act*.

“Roadway” means that part of a Highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs and gutters.

“School Crossing” means any portion of a Highway designated by by-law of the Town, indicated as a school zone by signs on the Highway as prescribed by the *Highway Traffic Act*, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended from time to time.

“Sidewalk” means that part of a Highway with a surface that is improved, designed or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path or trail.

“Sight Triangle” means in the case of a corner lot, the triangular space formed by the intersecting street lines and a line drawn from a point in one street line to a point in the other street line, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines, as depicted in Diagram 1 in Schedule ‘A’.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message and includes posters, billboards, advertising devices or notices.

“Sign By-law” means By-law 1999-044, as amended or superseded from time to time.

“Town” means The Corporation of the Town of East Gwillimbury.

“Trade Union” means a Trade Union as defined in the federal *Labour Relations Act*, 1995 or the *Canada Labour Code* (Canada) and includes a Central, Regional or District Labour Council in Ontario.

“Vehicle” includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

“Voting Day” means the day on which the final vote is to be taken in an election.

“Voting Location” means a location designated in accordance with the *Municipal Elections Act*, *Election Act*, or *Canada Elections Act* where electors cast their ballots and:

- (a) When a Voting Location is located on Public Property, it includes all of the area enclosed by the lot lines of the property and any Highway that abuts the property; and,
- (b) When a Voting Location is located on Private Property, it includes all of the area enclosed by the lot lines of the property, all common elements, and any Highway that abuts the property.

3. General Prohibitions

3.1 No Person shall Place or permit to be Placed an Election Sign except in accordance with this By-law.

3.2 No Person shall pull down, move, remove, alter, deface or willfully cause damage to a lawfully erected Election Sign except:

- i) The Candidate to whom the Sign relates; or
- ii) The owner or occupant of the property upon which the Sign is erected; or
- iii) The Registered Third Party to whom the Sign relates; or
- iv) The Municipal Clerk; or

v) An Enforcement Officer.

3.3 No Person shall Place or permit to be Placed an Election Sign that:

- (a) Is illuminated, has flashing lights, or rotating parts;
- (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- (c) impedes or obstructs the Town's maintenance operations;
- (d) Is on a Roadway;
- (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (f) Is less than 10 metres (32.8 feet) from a Roadway on a Highway where pedestrians are prohibited;
- (g) Is on a median or island located within the Roadway or a roundabout;
- (h) Is within a Sight Triangle;
- (i) Is less than 3 metres (9.8 feet) from a School Crossing;
- (j) Is located within 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a Roadway;
- (k) Simulates any traffic Sign, traffic signal, any other Sign that directs the movement of traffic, or any official Sign;
- (l) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;
- (m) Is affixed to Public Property, any Canada Post Mailbox or public utility poles, including but not limited to, telephone poles, hydro poles, light standards or any other utility infrastructure;
- (n) Is in a state of disrepair or is located where it is a general hazard to public safety;

- (o) Is Placed on, painted on, attached to, or supported by a tree, stone or other natural object;
 - (p) Is Placed so as to impede, hinder or prevent parking by vehicles on Private Property, Public Property, or on a Highway; or,
 - (q) Is Placed on a boundary fence line or noise attenuation wall which is located on Public Property.
- 3.4 No Person shall Place or permit to be Placed an Election Sign on or in a Voting Location or that part of a Highway that abuts a Voting Location, as depicted in Diagram 2 in Schedule 'A'.
- 3.5 No Person shall Place or permit to be Placed an Election Sign, which is visible, in or on a Vehicle that is parked or stopped on the property of any premise used as a Voting Location on any Voting Day, including during the advanced voting days.
- 3.6 No Election Sign shall display, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the Town.

4. Election Signs

- 4.1 No Person shall Place or permit to be Placed an Election Sign for a municipal election until after the Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk, and in any event no earlier than 28 calendar days prior to Voting Day in the year of a regular election or by-election.
- 4.2 No Person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election until the day after the writ for the election or by-election is issued.
- 4.3 Despite subsections 4.1 and 4.2, an Election Sign which is a Fascia Sign may be placed on the face of the building used as a Campaign Office provided that:
- (a) The Election Sign complies with the Fascia Sign provisions of the Town's Sign By-law as amended; and
 - (b) The Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk.
- 4.4 Election Signs Placed or permitted to be Placed by a Registered Third Party in a municipal election shall include the following information required by the *Municipal Elections Act*:
- (a) The name of the Registered Third Party;
 - (b) The municipality where the Registered Third Party is registered; and,
 - (c) A telephone number, mailing address, or email address to contact the Registered Third Party.
- 4.5 Election Signs Placed or permitted to be Placed by a Registered Third Party in a federal or provincial election shall include any information required by the *Canada Elections Act* or, the *Election Act*, whichever is applicable.

5. Size

- 5.1 With the exception of a Billboard Sign and Fascia Sign, an Election Sign shall have a maximum:
- (a) Sign Area of 1.49 square metres (16 square feet);
 - (b) Height of 1.22 metres (4 feet); and,
 - (c) Width of 1.22 metres (4 feet).

- 5.2 Billboard Signs and Fascia Signs shall comply with the requirements of the Town's Sign by-Law.

6. Private Property

- 6.1 Subject to subsections 3.3 and 3.4, Election Signs are permitted on Private Property, provided that:

- (a) Consent is given by the property owner, tenant, or occupant of the property;
- (b) The number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party, unless the property abuts two (2) or more streets, in which case the number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party multiplied by the number of abutting streets.
- (c) The Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
- (d) No Election Sign is Placed so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to: emergency water connections, or fire hydrants.

7 Regional Intersections

- 7.1 No Person shall Place an Election Sign at any intersection listed in Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended.

8. Removal of Election Signs

- 8.1 Candidates and Registered Third Party's shall remove their Election Signs within 72 hours after midnight on Voting Day.
- 8.2 The Municipal Clerk and/or a Municipal Law Enforcement Officer may remove any Election Sign placed in contravention of this By-law without notice.
- 8.3 Any Election Sign that has been removed by the Town in accordance with this By-law, may be recycled, destroyed or otherwise disposed of by the Town without notice and without compensation to any Person.

9. Enforcement

- 9.1 This By-law may be enforced by an Enforcement Officer or by any other person appointed by the Town for the purpose of enforcing this By-law.

- 9.2 Any Sign removed in contravention of this By-law will be held until after Election Day for a period of 21 days, after which the signs will be disposed of by the Town without notice and without compensation to any Person.
- 9.3 Any Candidate or Registered Third Party Sign removed in contravention of this By-law will be notified in order to make arrangement to pick up the Signs.

10. Offences

- 10.1 Any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

11. Liability for Damages

- 11.1 No provision of this By-law shall be construed as relieving or limiting the responsibility or liability of any Person Placing or owning any Election Sign from personal injury or property damage resulting from the Placing 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 such Election Signs.

12. Administration

- 12.1 The Municipal Clerk is responsible for the administration of this By-law.

13. Force and Effect

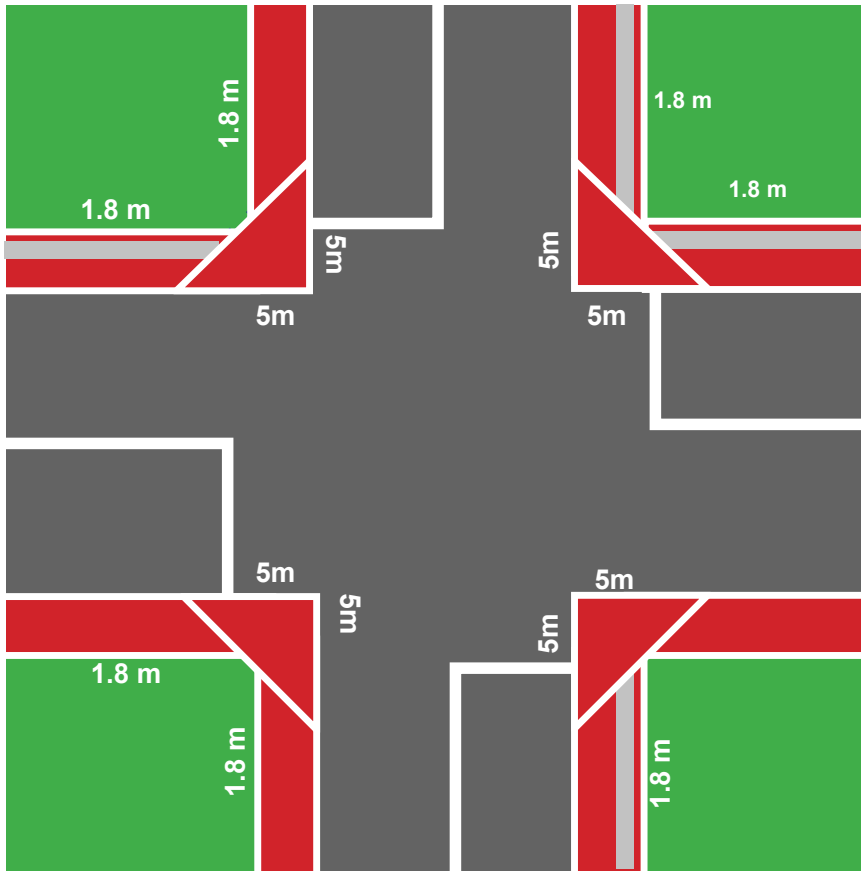
- 13.1 This By-law shall come into force and effect on the day it is passed.

ENACTED and PASSED this 1st day of May, 2018.

Virginia Hackson, Mayor


Fernando Lamanna, Municipal Clerk

Diagram one - sight triangle/edge of roadway



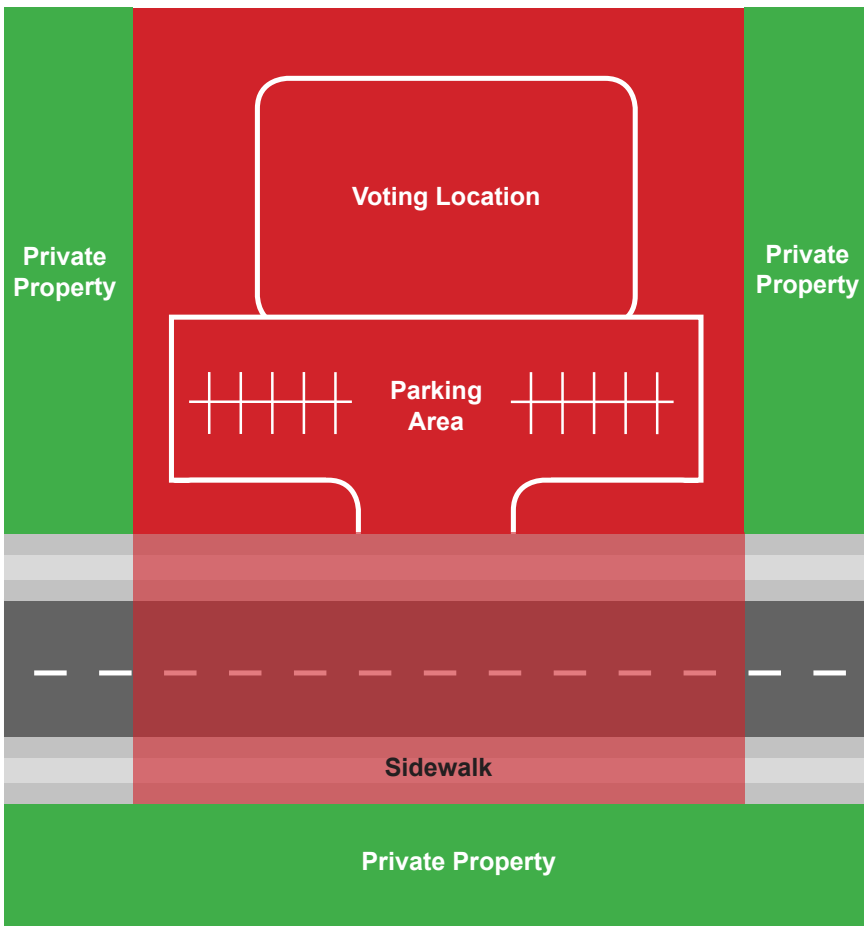
Legend

No election signs permitted


-  Sight Triangle 5m
-  Edge of roadway 1.8m
-  Roadway
-  Sidewalk

*Drawing is not to scale

Diagram two - voting location



Legend

-  Voting location and abutting highway
NO election signs permitted
-  Sidewalk
-  **Private Property**
Election signs permitted