

# **The Corporation of the Township of North Kawartha**

## **By-law 2018-013**

**Being a by-law to regulate the placement of election signs in the Township of North Kawartha and to repeal By-Law #05/93 of the former Chandos Township.**

**Whereas** Section 11 of the Municipal Act, 2001, as amended, authorizes a municipality to pass by-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs;

**And whereas** Section 63 of the Municipal Act, 2001, as amended, authorizes a municipality if it passes a by-law to prohibit or regulate 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, as amended, establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

**Now Therefore** the Council of the Corporation of the Township of North Kawartha hereby enacts as follows:

### **1. Definitions**

#### **1.1 In this By-law:**

- a) "Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, S.O. 1996, c.32, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.
- b) "Election Sign" means any sign:
  - i. advertising or promoting a candidate in a federal, provincial or municipal election or by-election and shall include school board trustees; or
  - ii. 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 the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32.
- c) "Township" means The Corporation of the Township of North Kawartha.

- d) "Public Property" means property owned, leased, or maintained by The Corporation of the Township of North Kawartha.

## **2. General Provisions**

- 2.1 No permit is required for the erection of Election Signs under this by-law.
- 2.1.2 With the exception of a billboard sign and an election sign on vehicles, no person shall place or permit to be placed on private property an election sign that:
  - a) is illuminated;
  - b) has a sign area greater than 3 sq. m (32 sq. ft.)
  - c) has a sign height greater than 2 m (6.6 ft.) above the surrounding ground
- 2.2 No person shall at any time place an election sign, or cause an election sign to be placed, that:
  - a) obstructs the visibility of pedestrians, vehicles or traffic control devices, as determined by the Township Road Superintendant or his / her designate,
  - b) is nailed or otherwise attached to or upon any utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box;
  - c) is on any premises used as a Help Centre for elections;
  - d) is in or on a vehicle that is parked on any premises used as a Help Centre for elections if the Election Sign is visible from the outside of the vehicle;
  - e) is located on a sidewalk;
  - f) is affixed to a permanent or official highway sign, signal or support, guardrail or other roadway structure.
- 2.3 Election Signs may be erected or displayed on private property with the consent of the owner or occupant of the property.
- 2.4 No person shall at any time place an election sign, or cause an election sign to be placed on any property that is owned, leased or maintained by the Township of North Kawartha, including, but not limited to:
  - a) Municipal Office;
  - b) Fire Halls;
  - c) Public Works Yards;
  - d) Community Centres
  - e) Public Libraries;
  - f) Municipal Parks.
- 2.5 Election signs shall not be placed / affixed to any building owned, leased or operated by the Township of North Kawartha.
- 2.6 Election signs shall not be permitted on a municipal road allowance

immediately adjacent to the properties noted in subsection 2.4.

- 2.7 Election Signs may be placed on a municipal road allowance provided that:
- a) the visibility of intersections or private entrances are not obstructed and do not create a safety condition;
  - b) the visibility of pedestrians, vehicles, traffic control devices or other regulatory signage is not obstructed;
  - c) the Election Sign is of sufficient texture and/or proper installation that weather conditions will not displace this material and create a safety hazard on municipal roads;
  - d) the sign area is no greater than 3 sq. m (32 sq. ft.);
  - e) the height of the Election Sign shall not exceed 2 m (6.6 ft.) above the surrounding ground;
  - f) the location of the sign does not impede the necessary sightlines of motorists, municipal snowplough operations, or access to a private drive;
  - g) the location of the sign does not cause an immediate safety issue.
- 2.8 No person shall at any time display the Township of North Kawartha logo, in whole or in part, on any election sign.
- 2.9 Election Signs shall not:
- a) have flashing lights or rotating parts;
  - b) be illuminated; or
  - c) obstruct the view of any official traffic sign or signal or simulate any traffic control device.
- 2.10 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.
- 2.11 No person shall place or permit to be placed an Election Sign for a municipal election or by-election earlier than the day following the close of Nomination Day in the year of that election.
- 3. Removal of Election Signs**
- 3.1 No person shall deface, relocate, remove, wilfully cause damage or permit to be cause damage to a lawfully erected Election Sign, except for the Candidate to whom the sign belongs.\
- 3.2 The Township shall not be liable for any damage or loss to an Election Sign that was displayed in accordance with this by-law or that was removed by the Township pursuant to the provisions of this by-law.
- 3.3 If the Township Road Superindendant, or his/her designate, determines that the location of an Election Sign is in contravention of Section 2 of this by-

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law, he/she may remove the sign.

- 3.4 Election Signs removed pursuant to subsection 3.3 of this by-law shall be stored by the Township for a period of not less than one (1) week and made available for return to the owner or his/her agent
- 3.5 Election Signs, not reclaimed as provided for in subsection 3.4 of this by-law, may be disposed of by the Township.
- 3.6 The Township reserves the right to remove any offending Election Sign, any Election Sign which is deemed to be a hazard or otherwise that is in non-compliance with this by-law without notice to any person, including the Candidate and without compensation to the owner of the sign.
- 3.7 Where Election Signs placed on private property are causing an immediate safety issue, the Township Road Superindendant, or his/her designate, shall remove the sign upon it being brought to his/her attention and the cost of such removal may be charged back to the owner of the sign.
- 3.8 Election signs shall be removed at the Candidates' expense within one (1) week after the completion of voting on voting day.
- 3.9 Any sign that has not been reclaimed in accordance with subsection 3.8 may be disposed of by the Township without notice and without compensation to the owner of the sign.

### **4. Enforcement**

- 4.1 Municipal Law Enforcement Officers, Police, or the Clerk or his/her designate may enforce this by-law.

### **5. Precedence**

- 5.1 The provisions of this by-law supersede the election sign provisions of any other by-law.

### **6. Short Title**

- 6.1 This by-law shall be known as the "Election Sign By-law".

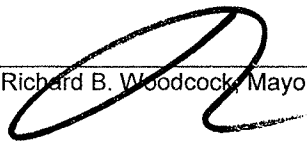
### **7. Repeal of By-law**

- 7.1 That By-Law #05/93 any other by-laws contrary to this by-law be repealed.

That this by-law comes into force and effect on the date of passing.

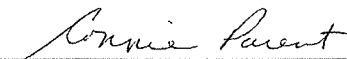
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Read a first, second and third time and passed in open Council on the 20th day of February, 2018.



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Richard B. Woodcock, Mayor



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Connie Parent, Clerk