

The Corporation of the Township of Georgian Bluffs

By-law Number 2018-033

Being a by-law to regulate the placement of Election Signs and to amend By-law 81-2012.

Whereas paragraph 7 of section 11(3) of the *Municipal Act*, S.O. 2001, as amended, authorizes municipalities to enact by-laws respecting structures, including fences and signs; and

Whereas the Council of the Corporation of the Township of Georgian Bluffs deems it expedient to regulate the placement of election signs within the Township of Georgian Bluffs;

Now Therefore the Council of the Corporation of the Township of Georgian Bluffs enacts as follows:

1. Definitions

“Boulevard” means that portion of a highway which may be paved, unpaved, grassed or landscaped with other materials between the Township property line and the curb line but does not include the sidewalk and any centre median strip or island separating two (2) roadways;

“By-law Enforcement Officer” means a by-law enforcement officer appointed by Council of The Corporation of the Township of Georgian Bluffs;

“Campaign Office” means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate’s campaign staff are normally present and the public may enter to obtain information about the candidate;

“Candidate” shall have the same meaning as in the *Canada Elections Act, 2000* the *Election Act* or the *Municipal Elections Act, 1996*, as amended, as applicable;

“Clerk” shall mean the Clerk of the Township of Georgian Bluffs;

“Daylighting Triangle” shall mean, on a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being nine (9) metres measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines (the intersection of the tangents to the street lines).

“Election Sign” means:

- i.* any sign advertising or promoting a candidate in a federal, provincial or municipal election including an election for a local board or commission;
- ii.* any sign intended to influence persons to vote for or against any candidate in any election, or any question or by law submitted to the electors in accordance with the *Municipal Elections Act 1996*; or
- iii.* a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning;

“Height” means the vertical distance measured from the lowest grade level at the base of the sign to the highest point of the same sign;

“Highway” includes a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Illuminated” means lighted by any means whatsoever including direct, indirect, internal and external sources of illumination;

“Mobile Sign” means any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principal use of the vehicle is for the transportation of people, goods or other materials;

“Owner” means the registered owner of the lands and includes any person, firm, partnership, corporation, institution, religious or philanthropic organization government or governmental agency controlling maintaining or occupying the lands upon which a sign is or will be erected or displayed;

“Public Buildings” shall mean buildings that are owned by or are under the control of the Township of Georgian Bluffs, the County of Grey, the Province of Ontario or the Government of Canada, or any of their agencies, boards, or commissions;

“Public Property” shall mean property that is owned by or is under the control of the Township of Georgian Bluffs, the County of Grey, the Province of Ontario or the Government of Canada, or any of their agencies, boards, or commissions and includes public highways and road allowances;

“Registered Third Party” means an individual, corporation or trade union which intends to incur expenses for advertising in support of or in opposition to a candidate or question on a ballot, and that is registered under section 88.6 of the *Municipal Elections Act, 1996*, as amended.

“Road Allowance” means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property;

“Rotating Sign” means any sign or portion of a sign which rotates on an axis;

“Sign” shall mean any device object or thing which creates a design or conveys a message or which is designed to convey a message and which is erected, located or fixed on any real property for the purposes of conveying any type of message and shall include a flag and/or a vehicle and includes any identification, notice, description, illustration or advertising device which is:

- i.* illuminated or non-illuminated;
- ii.* visible from any street;
- iii.* located on any property; or
- iv.* exposed to the public;

“Sign Area” means the area of the sign within the perimeter which forms the outside shape and:

- i.* where the sign consists of two sides, the area of one side of the sign; or

- ii. where the sign consists of more than two sides, the total of the areas of each side of the sign

“Township” means The Corporation of the Township of Georgian Bluffs;

“Third Party Advertisement” means an Election Sign that has the purpose of promoting, supporting or opposing,

- i. a candidate, or
- ii. a “yes” or “no” answer to a question or by-law submitted in accordance with the Municipal Elections Act, 1996, as amended,

“Voting Location” means the entire property where voting occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises, but does not include a residence.

2. General

- 2.1 No person shall erect, attach, place or display an Election Sign except in accordance with the provisions of this by-law.
- 2.2 Only Candidates, Registered Third Parties, or their agents are permitted to erect Election Signs.
- 2.3 No person shall erect, place or display an Election Sign on private property without the permission of the property owner or tenant.
- 2.4 No permits shall be required from the Township prior to the erection of Election Signs with a maximum Sign Area of 2 square metres (21.5 square feet), and with a maximum Height of 2.5 metres.
- 2.5 Persons erecting Election Signs shall require a Township permit, issued in accordance with Sign By-law 81-2012 or its successor, for signs:
 - 2.5.1 with a Sign Area over 2 square metres (21.5 square feet), or
 - 2.5.2 with a Height greater than 2.5 metres
 - 2.5.3 affixed to a building, and/or
 - 2.5.4 identifying a Campaign Office.
- 2.6 No person shall erect an Election Sign which:
 - 2.6.1 is attached to trees or utility poles;
 - 2.6.2 has flashing lights or rotating parts;
 - 2.6.3 is illuminated; or,
 - 2.6.4 simulates any traffic control device.
- 2.7 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 2.8 No person shall erect a Mobile Sign as an Election Sign.

- 2.9 No Election Sign shall contain the Township logo, crest, coat of arms, tag line, or seal, in whole or in part.
- 2.10 No person shall erect an Election Sign in or on any Voting Location and no vehicle containing an Election Sign visible to the outside or on the outside of said vehicle (i.e. wraps) shall be parked in any Voting Location.
- 2.11 No person shall erect an Election Sign within 10 metres of any Voting Location.

3. Election Signs on Public Property

- 3.1 No person shall erect an Election Sign on any Highway or Road Allowance in contravention of this by-law or any by-laws, regulations, policies or procedures established by the County of Grey or the Ministry of Transportation, Ontario, as the case may be.
- 3.2 No person shall erect an Election sign on the property of, or on the Road Allowance in front of, any Public Building.
- 3.3 No person shall erect an Election Sign within a Daylighting Triangle, a bridge, overpass, median, island, central Boulevard, or sidewalk.
- 3.4 No person shall erect an Election Sign within 3 meters of a fire hydrant, curb, driveway or the travelled portion of a Highway;
- 3.5 No person shall erect an Election Sign in such a manner that the Election Sign obstructs the visibility of pedestrian and/or vehicular traffic.

4. Content of Signs – Registered Third Parties

- 4.1 A Third Party Advertisement shall include the following on all Election Sign(s) erected within the Municipality:
 - 4.1.1 the name of the Registered Third Party;
 - 4.1.2 the Municipality where the Registered Third Party is registered;
and,
 - 4.1.3 a telephone number, mailing or email address where the Registered Third Party may be contacted.

5. Timing

- 5.1 No person shall erect Election Signs for a municipal election or by-election until 60 days in advance of the last voting day for a municipal election or by-election.
- 5.2 No person shall erect Election Signs for a federal or provincial election until the day the writ of the election is issued.
- 5.3 All Election Signs erected shall be removed no later than 3 days following Voting Day of the Election for which the signs were erected or installed.

6. Removal of Unlawful Signs

- 6.1 Election Signs which are erected in violation of this by-law shall be removed by the By-law Enforcement Officer or other person designated by the Clerk, upon direction from the Clerk, and disposed of at the discretion of the Township.
- 6.2 The Clerk's decision to authorize the removal of an Election Sign shall be final.

7. Penalties

- 7.1 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*, as amended.

8. Amendment

- 8.1 Section 4, subsection b) of By-law Number 81-2012 is hereby repealed and replaced with the following:
 - b) election signs erected in accordance with Election Sign By-law 2018-033,

9. Validity

- 9.1 In the event that any provision, or part thereof, of this by-law is found by a court of competent jurisdiction to be *ultra vires*, such provision or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

10. Title

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

11. Force and Effect

11.1 This by-law shall come into force and effect upon the date of its enactment.

Read a first and second time this 18th day of April, 2018.

Read a third time and finally passed this 18th day of April, 2018.

Original signed by the Mayor and Clerk.