

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2022-0008**

Being a by-law to regulate Election signs in the Town of Greater Napanee

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

AND WHEREAS subsection 63 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

AND WHEREAS section 445 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may make an order requiring a person who has contravened a By-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention; and

AND WHEREAS the Council of The Corporation of the Town of Greater Napanee considers it desirable to enact a by-law to regulate the placement of election signs;

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee hereby enacts as follows:

1 Definitions:

In this by-law the following terms shall have the meaning indicated:

- a) **“Advance Voting Day”** means one or more days, held not more than thirty (30) days before voting day, that are designated for electors to cast ballots prior to voting day.
- b) **“Boulevard”** means the portion of a street which is not used as a sidewalk, driveway access, travelled roadway, shoulder, median strip or traffic island.
- c) **“Campaign Office”** means a building or structure, or part of a building or structure, used by a candidate or an agent of a candidate or by a registered third party or an agent of a registered third party as part of an election campaign and where a candidate’s or registered third party’s campaign staff is normally present and the public may enter to obtain information regarding the candidate or registered third party.

- d) **“Candidate”** means a person who is running or has expressed an intention to run in a municipal, provincial, or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.
- e) **“Clerk”** means the Clerk or Deputy Clerk of the Town of Greater Napanee or a person designated by the Clerk for the purpose of this by-law.
- f) **“Election”** means a regular federal, provincial, or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission.
- g) **“Election Sign”** means any sign:
 - (i) Advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission.
 - (ii) Intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Election Act, 1996*;
- h) **“Median”** means the portion of a highway that separates traffic travelling in one direction from traffic travelling in the opposite direction by means of a physical barrier or a paved or unpaved separation area that is not intended to allow crossing vehicular movement.
- i) **“Public Property”** means property owned by or under the control of the Town of Greater Napanee, any of its agencies, boards or commissions, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include, benches, garbage containers or other structures, located on a highway regardless of whether the containers or structures are owned by the Town. Property owned by the Town and leased to another person or entity shall not be deemed to be public property.
- j) **“Public Utility Pole”** means a pole owned or controlled by an entity which provides a municipal or public utility service, including but not limited to the Town of Greater Napanee, Hydro One, Bell Canada;
- k) **“Registered Third Party”** means an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act, 1996*;

- l) **“Road Allowance”** means the allowance for a public road and includes the travelled and untravelled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks.
- m) **“Sight Triangle”** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres (29.5 feet) from the point of the intersection of the street lines (measured along the street lines). Where the two street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- n) **“Third Party Election Sign”** means any election sign which has been erected or displayed without the authorization, direction or involvement of a Candidate;
- o) **“Travelled Roadway”** means that portion of a street that is designed or ordinarily used for vehicular traffic and delineated by the curb line or the edge of pavement.
- p) **“Vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, machine used for road construction or maintenance, bicycle, and any other vehicle drawn, propelled, or driven by any kind of power, including muscular power;
- q) **“Voting Day”** means the day on which the final vote is to be taken in an election or by-election.
- r) **“Voting Place”** means the entire property and all the boundaries associated with it, when such voting place is located within a public premise and shall mean all of the common elements when the voting place is located on a private premise.

2 **Candidate or Registered Third Party Responsible for Election Signs**

The candidate or the registered third party, as the case may be, to whom an election sign relates shall be responsible for the placing, removal and maintenance of the election sign and shall ensure that all requirements of this By-law are met.

3 **General Provisions**

- 3.1 No person shall locate, erect, post, place or otherwise display an election sign within the limits of any road allowance within the limits of the Town of Greater Napanee, except in accordance with this by-law and all applicable legislation.

- 3.2 This By-law shall not apply to signs placed by a municipality to provide information concerning an election or by-election or any part of an election or by-election process.
- 3.3 No person shall place or permit to be placed an election sign anywhere on public property, including within a street allowance, except in accordance with this by-law.
- 3.4 No person shall place or permit to be placed an election sign on any public property that is located within the limits of a street allowance, including, but not limited to: a public utility pole; a light standard; a traffic control sign or signal; a guardrail or other form of traffic safety structure or facility; a bus shelter; a community mailbox; a bridge; a trestle; or a hydrant.
- 3.5 No person shall place or permit to be placed an election sign within a median strip or traffic island.
- 3.6 No person shall place or permit to be placed an election sign on or abutting public property including a street.
- 3.7 No person shall place an election sign within 1.0 m (3.25 ft) of the travelled portion of a road allowance.
- 3.8 Where a road allowance is adjacent to a residential property, an election sign may only be placed in the road allowance with the consent of the owner or occupant of the adjacent residential property.
- 3.9 No person shall place an election sign in a road allowance contrary to the requirements of subclause 12.3, 12.4 and 12.6 of this by-law.
- 3.10 On Advance Voting Day and Voting Day, no Person shall Place or permit to be Placed an Election Sign within 50.0 m (164.0 ft.) of a Voting Place or a place where the administration of Election processes are conducted, whether on private or public property.
- 3.11 No person shall place or permit to be placed an election sign on private property without permission or consent of the owner or occupant of the property.
- 3.12 No person shall pull down or remove an election sign without the consent of the candidate or registered third party to whom the election sign relates or the owner or occupant of the property on which the election sign was placed, except as otherwise provided for by this By-law.
- 3.13 No person shall deface or willfully cause damage to an election sign.

3.14 No candidate or third party advertiser, as the case may be, to whom an election sign relates shall permit an election sign to be left in a state of disrepair.

3.15 Except for a sign Placed pursuant to sub-clause 3.2 of this By-law, no Person shall Place or permit to be Placed on any Election Sign a logo, trademark, crest or official mark, in whole or in part, owned or licensed by the Town.

4 Highways under Provincial Jurisdiction

Despite sub-clause 3.1, this by-law shall not apply to any road allowances under the jurisdiction of the Ministry of Transportation including without limitation;

(a) Highway 401; and

(b) Highway 33 from the Glenora Ferry dock to the Loyalist Township border.

5 Highways under County Jurisdiction

Despite clause 3.1, this by-law shall not apply to any road allowances under the jurisdiction of the County of Lennox & Addington.

6 No Sign Permit, No Permit Fee

Despite any other by-law of the municipality to the contrary, no fee shall be charged by the municipality and no permit shall be required in order to post an election sign in accordance with this by-law.

7 Timing of the Erection of Election Signs

7.1 No election sign shall be erected or displayed prior to the issuance of writs for a provincial or federal election.

7.2 No election sign shall be erected or displayed for a municipal election or by-election prior to forty-five (45) days immediately preceding the day of a municipal election.

7.3 Notwithstanding sub-clause 7.2 of this Bylaw, Campaign Office Election Signs may be placed once a Candidate has filed their nomination papers with the Town Clerk and paid the required filing fee or a Registered Third Party has registered with the Town Clerk.

8 Removal of Election Signs

All election signs shall be removed within ninety-six (96) hours (four [4] days) of the day on which the election is held.

9 Special Provisions for Vehicle Election Signs

On Advance Voting Day and Voting Day, no Person shall place or permit to be placed a Vehicle Election Sign on a Voting Place or a place where the administration of Election processes are conducted or within 50.0 m (164.0 ft.) of a Voting Place or a place where the administration of Election processes are conducted.

10 **Special Provisions for Campaign Office Election Signs**

10.1 Campaign office election signs may be placed once a candidate has filed their nomination papers with the municipal Clerk and paid the required filing fee or a registered third party has registered with the municipal Clerk.

10.2 Campaign Office Election Signs Placed pursuant to sub-clause 10.1 of this By-law shall only display:

- (a) the name of a candidate in a municipal election or by-election; or
- (b) the name of a registered third party in a municipal election or by-election; and
- (c) the location of a candidate's or registered third party's campaign office;

and shall contain no other message.

10.3 A candidate or registered third party shall designate only one building or part thereof in the Town as the campaign office where the election signs are to be placed and must advise the municipal Clerk, in writing, of the address of the campaign office prior to placing any campaign office election signs pursuant to sub-clause 10.1 of this By-law.

11 **Special Provisions for Third Party Election Signs**

11.1 Third party advertisers shall be required to register with the Town Clerk prior to the display of elections signs.

11.2 Third Party election signs shall contain valid and up-to-date contact information, including the name of the registered third party, the municipality where the third party is registered, and a telephone number, mailing address or email address at which the registered third party may be contacted, in order to identify one individual responsible for the display of the sign.

11.3 The information required in sub-clause 11.2 of this By-law shall be provided with a minimum font size of 24.

12 **Election Signs on Private Property**

12.1 The placement of election signs on private property shall be subject to sub-clause 3.11 of this By-law.

12.2 No Person shall place or permit to be placed an election sign on private property within 1.0 m (3.25 ft.) of the travelled roadway or within a sight triangle.

12.3 No person shall place or permit to be placed an election sign on private property that is illuminated, has flashing lights or rotating parts.

12.4 No Person shall Place or permit to be Placed an Election Sign on private property that measures more than 1.0 m (3.25 ft.) by 2.0 m (6.5 ft.) and has a height that is more than 2.15 m (7.0 ft.) above the ground. The foregoing restrictions shall not apply to Billboard Election Signs.

12.5 In accordance with section 88.2 of the *Municipal Elections Act, 1996*, as amended, owners or tenants in an apartment building, condominium building, non-profit housing co-operative or a gated community may place election signs on the premises that they own or lease subject to any reasonable restrictions established by the landlord, property manager, co-operative or condominium corporation.

12.6 Election signs placed on private property shall not interfere with the safe operation of motor vehicular traffic, cyclists and the safety of pedestrians, and shall not obstruct visibility or sightlines.

12.7 No person shall place or permit to be placed an election sign on private property that overhangs a public sidewalk or that is near a public sidewalk in any manner that may interfere with or obstruct the normal flow of pedestrian traffic.

12.8 All election signs on private property shall be removed in accordance with clause 8 of this By-law.

13 **Removal of Election Signs Placed on Restricted Areas**

13.1 Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this by-law, or where an election sign located on or over municipal property interferes with municipal or public utility services, a Provincial Offences Officer or By-law Officer or the Clerk may cause the sign to be removed immediately without notice and/or take any further action as provided within this by-law.

13.2 Election signs that pose any risk to the health and safety of pedestrians, cyclists or motorists shall be removed without notice or compensation.

13.3 On advance voting day and voting day, unlawful election signs may be removed without notice or compensation by a Provincial Offences Officer or a By-law Enforcement Officer or the Returning Officer for that election.

14 **Offences and Penalties**

14.1 Any person who contravenes the provisions set forth in this by-law is guilty of an offence, and upon conviction, is subject to a fine as provided for in the *Provincial Offences Act* and to any applicable penalties.

14.2 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this by-law.

15 **Liability for Damages**

The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person placing or owning any election sign for personal injury or property damage resulting from the placing of such election sign or resulting from the negligence or willful acts of such person, or their agents or employees, in the construction, placing, maintenance, repair or removal of such election sign.

16 **Conflict**

If a provision of this By-law is in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

17 **Severability Clause**

Where a court of competent jurisdiction declares any section or part of a section of the by-law invalid, it is the intention of Council that the remainder of the by-law shall continue in force unless the court makes an order to the contrary.

18 **Repeal**

Clause 6.16 of the Town of Greater Napanee By-law No. 2011-42 is hereby repealed.

19 **Effective Date**

This by-law shall come into force and take effect on the date of its passing.

Read a first and second time and finally passed this 8th day of February, 2022.

Marg Isbester, Mayor

Jessica Walters, Clerk