

The Corporation of the County of Lennox and Addington

By-law No. 3523/21

A By-law to Regulate the Placement of Municipal Election Signs In the County of Lennox and Addington

Whereas subsection 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by By-law; and

Whereas subsection 11 (3), paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes the County of Lennox and Addington 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 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 County of Lennox and Addington is guilty of an offence; 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

Whereas The Corporation of the County of Lennox and Addington deems it expedient to pass a By-law to regulate the placement of election signs for municipal elections and by-elections;

Now therefore be it resolved that the Council of The Corporation of the County of Lennox and Addington hereby enacts as follows:

1. Application of this By-law

This By-law applies to all municipal election signs placed on property owned by the County of Lennox and Addington.

2. Interpretation of this By-law

In this By-law, the definitions and interpretations set out shall apply, unless unusual circumstances require otherwise as determined by the County, and any words not specifically defined in this By-law shall carry their dictionary definition.

3. Definitions

“**Act**” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“**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.

“Billboard Election Sign” means an outdoor sign erected and maintained by a person engaged in the sale or rental of the space on the billboard election sign to a candidate or registered third party for the purposes of advertising, promoting, opposing or taking a position with respect to any candidate or influencing electors to vote for or against an issue associated with a candidate or influencing electors to vote for or against any candidate or any question, law or by-law submitted to the electors.

“Boulevard” means the portion of a street which is not used as a sidewalk, driveway access, travelled roadway, shoulder, median strip or traffic island.

“By-Election” means any election other than a regular election in the case of a municipal election.

“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.

“Campaign Office Election Sign” means any sign placed on a campaign office which only displays the name of a candidate in a municipal election or the name of a registered third party in a municipal election, and the location of a candidate’s or registered third party’s campaign office, and contains no other message.

“Candidate” means a person who has been nominated to run in a municipal election and shall be deemed to include a registered third party seeking to influence electors 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.

“County” means The Corporation of the County of Lennox and Addington.

“Election” means a regular municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission.

“Election Sign” means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:

- advertises, promotes, opposes or takes a position with respect to any candidate in a municipal election or by-election, including an election of a local board or commission; or
- is intended to influence electors to vote for or against an issue associated with a candidate in a municipal election or by-election; or
- is intended to influence electors to vote for or against any candidate or any question, law or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.

For the purposes of clarification, an election sign does not include any election campaign literature (e.g. pamphlets and brochures) but does include a billboard election sign, campaign office election sign, third party advertisement and vehicle election sign.

“Electoral District” means the geographic area represented by a member of a municipal council or a school board.

“Local Board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

“Median Strip” means that portion of a street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by means of a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout.

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

“Nomination Day” for a regular municipal election means the deadline to file a nomination with the municipal Clerk under the Municipal Elections Act, 1996, as amended, being. In the case of a municipal by-election, the municipal Clerk shall fix the date of Nomination Day in accordance with the provisions of sub-section 65 (4) 1. of the Municipal Elections Act, 1996.

“Person” means, but is not necessarily limited to, an individual, business, firm, corporation, unincorporated business, trade union, partnership, or association, and includes a registered third party.

“Place” means to attach, install, erect, build, construct, reconstruct, move, display or affix. Placed, placement and placing shall have a similar meaning.

“Public Property” means property owned by or under the control of the County, any of its agencies, local boards or commissions, including highways and streets, and shall be deemed to include public utilities facilities, regardless of whether the public utility poles are owned by or under the control of the County and shall also be deemed to include, benches, municipal garbage containers or other structures located on a street regardless of whether the containers or structures are owned by the County. Property owned by the County and leased to another person shall not be deemed to be public property.

“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 Hydro One and Bell Canada.

“Registered Third Party” or **“Third Party Advertiser”** means one of the following whose notice of registration has been certified by the municipal Clerk pursuant to section 88.6 of the Municipal Elections Act, 1996:

- An individual who is normally a resident in Ontario; or
- A corporation that carries on business in Ontario; or
- A trade union that holds bargaining rights for employees in Ontario.

“**Sidewalk**” means that portion of a street with a surface that is improved and designed or ordinarily used for the use of pedestrians and shall include a multi-use path.

“**Sight Triangle**” means the triangular space formed by the travelled roadways of the streets abutting a corner lot and a line drawn from a point in one travelled roadway to a point in the other travelled roadway, each such point being 5.0 m (16.5 ft.) from the point of intersection of the travelled roadways (measured along the curb lines or edge of pavement).

“**Street**” means the allowance for a public road and includes the travelled and untraveled portions of the street, including the median strips, traffic islands, shoulders, boulevards and sidewalks.

“**Third Party Advertisement**” means a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate in a municipal election or an election of a local board or commission, or 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 Elections Act, 1996, and which has been placed without the authorization, direction or involvement of a candidate.

“**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.

“**Traffic Island**” means a small raised area in the middle of a street that provides a safe place for pedestrians to stand and marks a division between two or more opposing streams of traffic.

“**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.

“**Vehicle Election Sign**” means any form of election sign displayed in or on a vehicle, including a vehicle wrap.

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

4. 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.

5. General Provisions

- 5.1 No Person shall place or permit to be placed an election sign within the limits of the County, except in accordance with this By-law and all applicable legislation. 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.
- 5.2 No person shall place or permit to be placed an election sign anywhere on public property, including within a street allowance.

- 5.3 No person shall place or permit to be placed an election sign on any object or structure 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; a hydrant; a fence; or a tree.
- 5.4 No person shall place or permit to be placed an election sign within a median strip or traffic island
- 5.5 No person shall place or permit to be placed an election sign on or abutting public property including a street.
- 5.6 No person shall place or permit to be placed an election sign outside of the boundaries of the electoral district(s) where the candidate is running for office.
- 5.7 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.
- 5.8 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.
- 5.9 No person shall deface or willfully cause damage to an election sign.
- 5.10 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.

6. By-law Not Applicable to Highways under Provincial Jurisdiction

Notwithstanding sub-clause 5.1 above, this By-law shall not apply to any road allowances under the jurisdiction of the Ministry of Transportation including but not limited to:

- Highway 401;
- Highway 41 north of Highway 7;
- Highway 33.

7. No Sign Permit, No Permit Fee

Notwithstanding any other By-law of the County to the contrary, no fee shall be charged by the County and no permit shall be required in order to place an election sign in accordance with this By-law.

8. Timing for the Placement and Removal of Election Signs

Placement of Election Signs

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.

Removal of Election Signs

All election signs shall be removed within ninety-six (96) hours of the day on which the election or by-election is held.

9. Special Provisions for Vehicle Election Signs

- 9.1 No person shall place or permit to be placed a vehicle election sign except in accordance with the provisions of this By-law.
- 9.2 No vehicle election sign shall be placed on public property (other than a street).
- 9.3 Notwithstanding sub-clause 5.2 of this By-law, a vehicle election sign may be placed by a candidate or registered third party on or in a vehicle while such vehicle is in use on any street in the County in accordance with all applicable laws and by-laws.

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 11.1 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 County 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 Advertisements

- 11.1 A third party advertiser must be registered with the municipal Clerk prior to placing any election signs.
- 11.2 Third party advertisements shall contain valid and up-to-date contact information, including the name of the registered third party, the municipality where the registered third party is registered, and a telephone number, mailing address or e-mail address at which the registered third party may be contacted, in order to identify at least one individual responsible for the placing of the third party advertisements including any election sign(s).
- 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 5.7 of this By-law.
- 12.2 No Person shall place or permit to be placed an election sign on private property within 2.0 m (6.5 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 or 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.
- 12.4 No more than two (2) election signs per candidate or registered third party shall be placed on each street frontage of a residential property.
- 12.5 No more than two (2) election signs per candidate or registered third party shall be placed on each street frontage of a non-residential property.
- 12.6 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.
- 12.7 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.
- 12.8 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.
- 12.9 All election signs on private property shall be removed in accordance with clause 8 of this By-law.

13. Removal of Unlawful Election Signs

- 13.1 Where an election sign has been placed in contravention of any provision of this By-law, a Provincial Offences Officer or a By-law Enforcement Officer may cause the election sign to be removed immediately without notice or compensation 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.

14. Offence and Penalty Provisions

- 14.1 Every person who contravenes any provision of 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 prevent, hinder or interfere or attempt to prevent, hinder or interfere with a Provincial Offences Officer or any other authorized employee or agent of the County 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

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law shall continue in full force and effect unless the court makes an order to the contrary.

18. Effective Date

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

Read a first, second and third time and finally passed this twenty-fourth day of November, 2021.

Clerk

Warden