

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

BY-LAW NO. 2018-13

Being a By-Law to Manage and Regulate
Election Signs in the Township of Chapleau

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 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a by-law may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter;

AND WHEREAS subsection 10(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS the Municipal Act, 2001, as amended, section 425 establishes that any person who contravenes any by-law of The Corporation of the Township of Chapleau is guilty of an offence;

AND WHEREAS section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Council of the Corporation of the Township of Chapleau ENACTS AS FOLLOWS:

1. DEFINITONS

"Billboard" means an outdoor sign erected and maintained by a person, firm, corporation, or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

"Boulevard" means that portion of every Street which is not used as a Sidewalk, driveway access, travelled Roadway or shoulder;

"Campaign Office" means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"Candidate" means

- (i) a Candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996* as amended; and
- (ii) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors

under section 8 of the *Municipal Elections Act, 1996* as amended;

“**Clerk**” means the Clerk of the Township of Chapleau or a person delegated by them for the purpose of this By-law;

“**Crosswalk**” means

- (i) that part of a Street at an intersection that is included within the connections of the lateral lines of the Sidewalks on opposite sides of the Street measured from the curbs, or in the absence of curbs from the edges of the Roadway; or
- (ii) any portion of a Roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers;

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

- (i) any Candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;
- (ii) an issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*; or
- (iii) a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)* or the *Municipal Elections Act, 1996*;

“**Electoral District**” means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.

“**Enforcement Officer**” means a Municipal By-Law Enforcement Officer appointed by the Council of the Township of Chapleau

“**Median Strip**” means the portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by 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;

“**Nomination Day**” means the deadline to file a nomination with the Clerk under the *Municipal Elections Act, 1996* as amended;

“**Owner**” means the registered Owner of the property on which an Election Sign is Placed; any person described on or whose name, image, address or telephone number appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has Placed or permitted to be Placed the Election Sign; and for the purposes of this By-law there may be more than one Owner of an Election Sign;

“**Park**” means land and land covered by water and all portions thereof under the control or management or joint management of the Township, that is or hereafter may be established, dedicated, set apart, or made available for use as public open

space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land;

“**Place**” means attach, install, erect, build, construct, reconstruct, move, display or affix;

“**Public Property**” means real property owned by or under the control of the Township,, including a Park, or any of its agencies, local boards, commissions or corporations but, for the purposes of this by-law, does not include a Street;

“**Roadway**” means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder;

“**Sidewalk**” means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians;

“**Sign Area**” means the area of one side of a sign where copy can be placed;

“**Sign Height**” means the vertical height of a sign from the lowest point of finished grade to the highest part of the sign;

“**Street**” means a highway, road allowance, street, avenue, parkway, driveway, lane, square, place, bridge, viaduct, trestle or other public way under the jurisdiction of the Township of Chapleau and this term includes all road works and appurtenant to municipal land;

“**Utility**” means water, sewer, artificial or natural gas, petrochemical, electrical power or energy, steam or hot/chilled water, and telecommunication networks, and includes the works, structures, buildings and appurtenances necessarily incidental to the supplying of such services;

“**Voting Place**” means a place where electors cast their ballots and:

- (i) when a Voting Place is located on Public Property, includes any Street abutting; or
- (ii) when a Voting Place is located on private property, includes any Street abutting.

“**Writ of Election**” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

2. GENERAL PROHIBITIONS

2.1 No person shall place or permit to be placed an Election Sign except in accordance with this by-law.

2.2 No person shall Place or permit to be Placed an Election Sign that:

- (a) is illuminated;
- (b) has a Sign Area of more than 6 square metres;
- (c) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
- (d) impedes or obstructs the Township’s maintenance operations.

2.3 Subsections 2.2 (a) and (b) do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard.

- 2.4 No person shall place or permit to be placed an Election Sign on or in a Voting Place.
- 2.5 No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Township of Chapleau.

3. TIMING

- 3.1 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.
- 3.2 No person shall place or permit to be placed an Election Sign for a municipal election, except an Election Sign which is placed on a Campaign Office:
- (a) earlier than Nomination Day in the year of a regular election; or
 - (b) earlier than Nomination Day for a by-election.
- 3.3 No person shall place or permit to be placed an Election Sign for a municipal election on a Campaign Office earlier than the day that Candidate has filed their nomination with the Clerk.
- 3.4 No Owner shall fail to remove their Election Sign after the expiry of 96 hours immediately following 11:59 p.m. of the day of the election.

4. ELECTION SIGNS ON PUBLIC PROPERTY

- 4.1 No person shall place or permit to be placed an Election Sign on Public Property.
- 4.2 No person shall place or permit to be placed an Election Sign in a Park.
- 4.3 No person shall place or permit to be placed an Election Sign:
- (a) in a Roadway;
 - (b) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - (c) less than 3 metres from a Crosswalk;
 - (d) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street;
 - (e) in a Boulevard that abuts a Park;
 - (f) within 10 metres of another Election Sign of the same Candidate.
- 4.4 No person shall Place or permit to be Placed an Election Sign that has a Sign Height:
- (a) of more than 1.8 metres when Placed within 3 to 8 metres of the Roadway;
 - (b) of more than 4 metres when Placed beyond 8 metres of the Roadway.
- 4.5 No person shall injure or foul a Street or permit the injuring or fouling of a Street when Placing an Election Sign.
- 4.6 No person shall injure or foul public structures or permit the injuring or fouling of public structures on a Street when Placing an Election Sign.
- 4.7 No person shall injure or foul a Utility or permit the injuring or fouling of a Utility when Placing an Election Sign.

5. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CLERK AND/OR BY-LAW ENFORCEMENT OFFICER

- 5.1 The Clerk and/or By-Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 5.2 The Clerk and/or By-Law Enforcement Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the Clerk.
- 5.3 The Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under sections 5.1 and 5.2 including, without limitation, the form of and any information required to be provided to the Clerk and/or By-Law Enforcement Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

6. ADMINISTRATION

- 6.1 The administration of this by-law is delegated to the Clerk.

7. ENFORCEMENT

- 7.1 This by-law may be enforced by the Clerk or the By-Law Enforcement Officer.

8. OFFENCE AND PENALTY

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.

9. SHORT TITLE OF BY-LAW

- 9.1 This by-law may be referred to as the “Election Sign By-law”.

10. FORCE AND EFFECT

- 10.1 That this By-Law shall come into force and effect on the 23rd day of April 2018.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 23rd day of April 2018.

Mayor

CAO