

# The Corporation of The Township of Scugog

## By-law Number 22-22

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Being a by-law to regulate election signs.

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**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** notice of the proposed by-law to regulate election signs was published in accordance with the requirements of the Township of Scugog notification policy;

**And Whereas** Section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides the municipalities may pass by-laws imposing fees or charges for services or activities provided;

**And Whereas** Council has determined that it is necessary and in the public interest to regulate election signs to ensure public safety on our roads and highways during an election period;

**Now therefore**, the Council of The Corporation of the Township of Scugog hereby enacts as follows:

### 1. Definitions

- 1.1 “**Campaign Office Sign**” – shall mean an Election Sign displayed on a building or portion of a building which is used by a candidate or an agent of a candidate as an election campaign headquarters.
- 1.2 “**Candidate**” – shall have the same meaning as contained within the Canada Elections Act, the Elections Act or the Municipal Elections Act, as applicable, and shall be deemed to include a person registered pursuant to any of the above-noted statutes or an agent for a registered person seeking to influence anyone to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, as amended.
- 1.3 “**Clerk**” – shall mean the Township Clerk of the Township of Scugog or a person delegated by the Township Clerk for the purpose of this By-law.
- 1.4 “**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 shall be deemed to be the intersection of the projection of the street lines (the intersection of the tangents to the street lines).
- 1.5 “**Display**” – shall mean, but is not limited to, erect, affix, attach, place or maintain or cause or permit to be erected, affixed, attached, placed or maintained.
- 1.6 “**Election**” – shall mean any 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.
- 1.7 “**Election Sign**” – shall mean any sign, image, words, picture, device, notice or visual medium, or any combination thereof, including without limitation, any poster, placard, bulletin, banner, wearables such as hats, shirts and buttons or vehicle wrap, which:

- 1.7.1 Identifies, depicts, promotes, advertises or provides information about;
  - 1.7.2 An individual who is a candidate; or
  - 1.7.3 A question or by-law submitted to electors; or
  - 1.7.4 Promotes recognition of or influences persons to vote for or against any candidate or any question or by-law submitted to electors.
  - 1.7.5 For the purpose of clarification, "Election Sign" includes "Vehicle Sign" and "Campaign Office Sign".
- 1.8 **"Election Sign Owner"** – shall mean any person who places or permits the placing of an Election Sign, or any person described on the sign, or whose name, address or telephone number is on the sign or who benefits from the message on the sign. For the purposes of this By-law there may be more than one owner of an Election Sign. A person is not an Election Sign Owner by reason of being an owner of private property on which an Election Sign is displayed.
- 1.9 **"Highway"** – shall have the same meaning as the Highway Traffic Act, R.S.O. 1990, as amended, and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designated and intended for, or used by, the general public for the passage of vehicles.
- 1.10 **"Municipality" or "Township"** – shall mean the geographic area located within the Regional Municipality of Durham known as the Township of Scugog.
- 1.11 **"Officer"** means an officer appointed by the Municipality for the purpose of enforcing Municipal by-laws, any employee of the Municipal Public Works Department whose duties include enforcement of this By-law, and a police officer who is a member of the Durham Regional Police Service;
- 1.12 **"Person"** – shall mean, but is not limited to, a natural person, a corporation and the heirs, executors, administrators or other legal representatives of an individual person, or registered third party.
- 1.13 **"Private Property"** – shall mean anything other than public property and does not include the side of a fence located on a property boundary which faces public property.
- 1.14 **"Public Property"** – shall mean property that is owned by or is under the control of the Township of Scugog or its agencies, boards, or commissions and includes public highways, public parks, public utility poles, street lights, stop lights, and similar utilities and infrastructure located within a highway regardless of whether the item/utility/structure is owned by or under the control of the Municipality or any of its agencies, boards or commissions, and includes any lands belonging to or owned by any federal, provincial or regional authority or any of their agencies, boards or commissions;
- 1.15 **"Registered Third Party"** – shall mean an individual, corporation, or trade union that is registered as a third party advertiser with the Clerk of the Township of Scugog under section 88.6 of the Municipal Elections Act, 1996.
- 1.16 **"Third Party Advertisement"** – shall mean an advertisement in any broadcast, print, electronic or similar medium that has a purpose of promoting, supporting or opposing a candidate, or a "yes" or "no" answer to a question on the ballot.

1.17 **“Vehicle”** – shall mean, but is not limited to a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

1.18 **“Vehicle Election Sign”** means any form of signage, poster or vehicle wrap placed on or attached to a vehicle to show support for a candidate or any question or by-law submitted to the electors and includes any motor vehicle, trailer or any vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, whether actively being operated on the highway or parked at any location;

1.19 **“Voting Day”** – shall mean any day on which final voting takes place or on which voting by internet or advance voting is permitted within the Township.

1.20 **“Voting Place”** – shall mean a place where election ballots are collected and tabulated and shall include the entire property upon which the place is established. For the purposes of this By-law, the Municipal Administration Building, including the surrounding parking lot, located at 181 Perry Street, Port Perry, Ontario, shall be considered as a voting place.

## **2 References and Application**

2.1 In this By-law, any reference to any Act or By-law is a reference to that Act or By-law as it is amended or re-enacted from time to time.

2.2 Unless otherwise specified, references in this By-law to sections or schedules are references to sections or schedules in this By-law.

2.3 This By-law shall be read with all changes in gender or number as the context requires.

2.4 In this By-law, a grammatical variation of a word or expression defined has a corresponding meaning.

2.5 Each section of this By-law is an independent section and the holding of any section or part of any section of this By-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this By-law.

2.6 This By-law applies to all Election Signs displayed within the Township.

## **3 General**

3.1 No person shall erect, attach, place or display an Election Sign except in accordance with the provisions of this By-law and all applicable legislation.

3.2 This By-law shall not apply to signs displayed by the Township to provide information concerning an Election or any part of an Election process.

3.3 No person shall display an Election Sign without the name and contact information of the Election Sign Owner on it.

3.4 No Candidate or Registered Third Party shall display or permit to be displayed an Election Sign without obtaining an Election Sign permit and making payment of the prescribed Election Sign permit fee. The Election Sign permit shall be:

- in a form prescribed by the Township Clerk; and,
- accompanied by the prescribed Election Sign permit fee.

3.5 No person shall display an Election Sign at any location other than entirely on

private property or on a provincial road in accordance with the Ministry of Transportation Election Sign Policy, provided, however, that a Vehicle Sign can be displayed while such vehicle is in use on any Highway in accordance with all applicable laws and by-laws.

3.6 No person shall display an Election Sign that is more than 1.5m<sup>2</sup> in area.

3.7 No person shall display an Election Sign on private property without permission or consent of the owner or occupant of the property.

3.8 No person shall display an Election Sign that:

3.8.1. Is on public property including campaign office signs;

3.8.2. Is painted on, attached to or supported by a tree, stone or other natural object;

3.8.3. Incorporates flashing lights or rotating parts;

3.8.4. Is illuminated;

3.8.5. Simulates any traffic control device;

3.8.6. Is affixed to public property, any Canada Post Mailbox or public utility poles, including but not limited to, telephone poles, hydro poles, light standards, or any other utility infrastructure;

3.8.7. Is displayed so as to obstruct, impede or interfere with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by firefighter to any part of a building or fire hydrant;

3.8.8. Is displayed so as to impede, hinder or prevent parking by vehicles on private or public lands or on a highway;

3.8.9. Obstructs the visibility of pedestrian and/or vehicular traffic;

3.8.10. Includes the Township of Scugog's logo, crest, coat of arms, tag line, or seal in whole or in part;

3.8.11. Is in contravention of the Elections Act, Canada Elections Act, or the Municipal Elections Act, as applicable.

3.9 No person shall remove, deface or willfully cause damage to a lawfully displayed Election Sign.

3.10 No person shall at any time on Voting Day, display an Election Sign in or on any Voting Place and no vehicle containing an Election Sign visible to the outside or on the outside of said vehicle (i.e. wraps) shall park in any Voting Place or where the administration of Election processes are conducted.

3.11 No person shall display an Election Sign within 10 metres of any Voting Place, measured from the boundary of the Voting Place.

3.12 No person shall display a Municipal Election Sign including a Campaign Office Sign except within the boundaries of the Ward(s) to which the Election Sign relates. Notwithstanding, a Candidate may display Election Signs on their principle place of residence regardless of the ward in which the Candidate is

running.

3.13 No person shall display a provincial and / or federal Election Sign except within the Candidate's riding boundary.

3.14 Notwithstanding any other provision of this By-law, where a road serves as a boundary between Wards, no person shall display an Election Sign except on private property on the side of the road within the boundaries of the Ward / Riding to which the Election Sign relates.

3.15 No person shall display an Election Sign within a Daylighting Triangle, a bridge, overpass, median, island, central boulevard, or sidewalk.

#### **4 Vehicle Election Signs**

4.1 No person shall display a Vehicle Election Sign except in accordance with all provisions of this By-law.

4.2 The total area of the Vehicle Election Sign(s) displayed on any one vehicle shall not exceed 1.5 m<sup>2</sup>.

4.3 Notwithstanding anything else contained in this By-law, no person shall be prohibited from displaying a business-related sign provided that:

4.3.1 Such business operation is duly registered or incorporated as required by all applicable laws and has filed a Federal income tax return for the preceding two years and / or has met the requirements of the Canada Revenue Agency as a self-employed person;

4.3.2 Such sign is limited to providing only information related to the business; and

4.3.3 Such sign is not used in the course of campaigning or advocacy in relation to any Election or otherwise for the purpose of, or with the intent of promoting such person in an Election.

4.4 For the purposes of this section, "campaigning or advocacy in relation to any Election" includes but is not limited to:

4.4.1 Door-to-door visits to electors;

4.4.2 Distribution of any printed material, Election Signs or paraphernalia; and

4.4.3 Public appearances, related to any Election.

#### **5 Campaign Office Signs**

5.1 Sections 3.6 and 3.8.3 of this By-law do not apply to Campaign Office Signs.

5.2 A Campaign Office Sign may be displayed on a Campaign Office as soon as the Candidate has filed his or her nomination papers.

5.3 Campaign Office Signs must comply with all applicable provisions of Sign By-law 123-04, as amended or any subsequent Sign By-law of the Township.

## **6 Content of Signs - Registered Third Party Advertisers**

- 6.1 A Third Party Advertisement shall include the following on all Election Sign(s) displayed within the Township:
- 6.1.1 The name of the Registered Third Party;
  - 6.1.2 The Municipality where the Registered Third Party is registered; and,
  - 6.1.3 A telephone number, mailing address or email address at which the Registered Third Party may be contacted regarding the advertisement.
- 6.2 A Registered Third Party shall not display or permit to be displayed an Election Sign to promote, support, or oppose a Candidate before the Candidate has filed his or her nomination with the Township Clerk.

## **7 Display of Election Signs at Residential Premises and Condominiums**

- 7.1 No landlord or person acting on behalf of the landlord shall prohibit a tenant from displaying an Election Sign on the premises to which the lease relates.
- 7.2 No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from displaying an Election Sign on the premises of his or her unit.
- 7.3 Notwithstanding sections 7.1 and 7.2, a landlord or condominium corporation or their agent may set reasonable conditions relating to the size or type of Election Sign(s) that may be displayed on the premises and may prohibit the display of Election Sign(s) in common areas of the building.

## **8 Timing**

- 8.1 No person shall display an Election Sign(s) for a federal or provincial election prior to the day the writ of Election is issued.
- 8.2 No person shall display or permit to be displayed an Election Sign(s), including a Vehicle Sign, associated with a Municipal Election or By-Election until after the Candidate has filed his or her nomination with the Township Clerk, or in the case of a Registered Third Party, registered with the Township Clerk, and in any event no earlier than until 42 days prior to Voting Day in the year of a regular Election or By-Election.

## **9 Removal of Unlawful Election Signs**

- 9.1 All Election Signs displayed shall be removed within seventy-two (72) hours after midnight on Voting Day.
- 9.2 Election Signs that have been displayed on Private Property, it is the responsibility of the owner or occupant of the property to ensure that the Election Sign(s) is removed within the required timeframe.
- 9.3 Election Signs that have been displayed in violation of this By-law may be removed by the Township immediately, without notice or compensation.
- 9.4 The Clerk's decision to authorize the removal of an Election Sign shall be final.
- 9.5 Election Signs that have been removed shall be stored by the Township for a period of 30 days, during which time the Candidate or Registered Third Party

Advertiser or their agent may, at any time following the Voting Day, recover any Election Signs that are removed by the Township at not cost.

- 9.6 The Township may recover any expense incurred pursuant to Section 9.3, by adding the expense to the tax role and collecting it in the same manner as taxes.
- 9.7 Any Election Sign that has been removed by the Township and stored for more than 30 days following Voting Day, may be destroyed or otherwise disposed of by the Township without notice and without compensation.
- 9.8 Despite section 9.5, the Township shall not be obliged to store Election Signs made entirely of paper material and may dispose of such Election Signs immediately upon removal.

## **10 Offence and Penalties**

- 10.1 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.
- 10.2 No person shall make a false or intentionally misleading recital of fact, statement or representation in any application or other document required by this By-law.
- 10.3 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an officer enforcing the provisions of this By-law.
- 10.4 Where an officer has reasonable grounds to believe that an offence has been committed by a person under this By-law, the officer may require the name, address and proof of identity of that person and the person shall supply the requested information.

10.5 The provisions of this by-law may be enforced by:

- 10.5.1. A police officer pursuant to ss. 42(1)(h) of the Police Services Act, R.S.O. 1990, c. P.15;
- 10.5.2. A municipal law enforcement officer appointed by the Township or the Region of Durham;
- 10.5.3. All employees of the Township and the Region of Durham whose duties include the enforcement of this by-law; and / or
- 10.5.4. The Township Clerk.

10.6 The investigation or prosecution for any acts of vandalism to campaign advertising of the candidate or third-party advertiser should be referred to the local police force by the complainant. The Township or any of its Staff shall not be responsible.

## **11 Fees**

- 11.1 Fees shall be paid in accordance with the Township's Fees and Charges By-law 09-22, as amended from time to time, or replaced.
- 11.2 Election Sign permit fees are non-refundable.

## **12 Liability for Damages**

- 12.1 The provisions of this By-law shall not be construed as relieving or limiting the

responsibility or liability of any person displaying or owning any Election Sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person or his or her agents or employees, in the construction, erection, display, maintenance, repair or removal of such signs.

**13 Administration**

13.1 The Township Clerk is responsible for the administration of this By-law.

**14 Conflict**

14.1 If a provision of this By-law conflicts with a provision of any applicable Act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall prevail.

**15 Effective Date and Repeal**

15.1 That By-law 18-18 is repealed in its entirety.

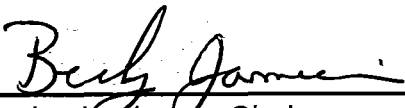
15.2 This by-law shall come into force and effect upon the date of its enactment.

This By-law Read and Passed on the 25<sup>th</sup> day of April, 2022.



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Roberta Drew, Mayor



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Becky Jamieson, Clerk