

# **The Corporation of the Municipality of South Huron**

## **By-Law #26-2022**

### **Being a By-law to manage and regulate election signs and campaign advertisements including third party advertising within the Municipality of South Huron.**

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 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting among other items structures, including fences and signs; and

Whereas section 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers; and

Whereas sections 88.3 and 88.4 of the Municipal Elections Act, 1996, as amended sets out requirements for Candidate's election campaign advertisements and Third Party advertisements;

Whereas Council for The Corporation of the Municipality of South Huron is of the opinion that the delegation of legislative powers under this by-law to the Clerk, including without limitation the power to prescribe procedures for the retrieval and/or destruction of Election Signs removed under this by-law are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended; and

Whereas section 63 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 of 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 Municipality of South Huron 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 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 Municipal Council of The Corporation of the Municipality of South Huron enacts as follows:

## 1. Definitions

### 1.1. In this By-law:

“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 municipality 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 Law Enforcement Officer appointed by the Municipal Council of the Municipality;

“Median Strip” means the reserved area that separates opposing lanes of traffic on divided roadways

“Municipality” means The Corporation of the Municipality of South Huron;

“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;

“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 Municipality, 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 Municipality of South Huron 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

### 3. All candidate signs shall include:

- 3.1. name of candidate

### 4. All registered third party advertisement signs shall include:

- 4.1. name of registered third party;
- 4.2. the municipality where the registered third party is registered; and
- 4.3. telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

### 5. No person shall Place or permit to be Placed an Election Sign that:

- 5.1. is illuminated;
- 5.2. has a Sign Area of more than 1m<sup>2</sup> (10.76ft<sup>2</sup>) in area or 2m (6.56ft) in height

- 5.3. interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
- 5.4. impedes or obstructs the municipality's maintenance operations.
6. Subsections 5.1 and 5.2 do not apply to an Election Sign promoting a Candidate on a Campaign Office or a Billboard as these signs will be regulated by the current South Huron Sign By-Law
7. No person shall Place or permit to be placed an Election Sign outside of the Electoral District where the Candidate is running for office.
8. Section 7 does not apply to an Election Sign within 50 metres of any Electoral District that is adjacent to the Electoral District where the Candidate is running for office.
9. No person shall Place or permit to be Placed an Election Sign on or in a Voting Place.
10. No person shall display on any Election Sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Municipality.
11. No person shall display an election sign on private property,
  - (a) where it obstructs or interferes with a door or fire escape of a building; or
  - (b) without the consent of the owner or occupant of such property.
12. Notwithstanding clause 11(b), a lease or tenant of property may display an election sign as such conditions to reasonable size or type a landlord, building manager, condominium corporation deems appropriate.
13. No person shall cause an election campaign advertisement to appear which contravenes sections 88.3, 88.4, or 88.5 of the *Municipal Elections Act, 1996*.
14. No person shall park or place any vehicle displaying a vehicle election sign within a one block radius of the Old Town Hall at 322 Main Street South Exeter, on the voting day of a Municipal election.
15. 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.
16. 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.

17. 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.
18. No Owner shall fail to remove their Election Sign after a week immediately following 11:59 p.m. of the day of the election.
19. Despite sections 15 and 16, signs identifying the candidate's campaign offices may be displayed on the offices once the candidate has filed his or her nomination papers and paid all required fees and been registered as a candidate.
20. Election Signs on Public Property and Streets
  - 20.1 No person shall Place or permit to be Placed an Election Sign within any parks owned by the Municipality.
  - 20.2 No person shall Place or permit to be Placed an Election Sign:
    - (a) in a Roadway;
    - (b) within 3 metres of a Roadway;
    - (c) between a Roadway and a Sidewalk;
    - (d) that impedes or obstructs the passage of pedestrians on a Sidewalk;
    - (e) in a Median Strip;
    - (f) less than 3 metres from a Crosswalk;
    - (g) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Street.
21. Where an Election Sign has been Placed in contravention of any provision of this By-law, Municipal Law Enforcement Officer or any other individual designated by the Clerk 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.
22. Election signs or similar campaign material that will be installed or affixed to Ministry of Transportation road system or the County of Huron road system will require the permission of these respective approving authorities.
23. The administration of this by-law is delegated to the Clerk.
24. This by-law may be enforced by the Clerk or designate or a Municipal Law Enforcement Officer.
25. In the event that section or sections of thus by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this By-law remaining in full force and effect
26. This by-law may be referred to as the "Election Sign By-law".

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27. Election provisions in section 3.4 By-law No. 73-2007 as amended and By-Law 75-2010, are hereby repealed.

28. This by-law shall come into force and effect on the day it is passed.

Read a first and second time this 19<sup>th</sup> day of April, 2022.

Read a third time and passed this 19<sup>th</sup> day of April, 2022

George Finch, Mayor

Rebekah Msuya-Collison, Clerk