

The Corporation of the Town of Arnprior

By-law Number 7xxx-22

A by-law to regulate election signs in the Town of Arnprior.

Whereas subsection 5(3) of the *Municipal Act*, 2001 provides that a municipal power shall be exercised by By-law; and

Whereas section 11 of the *Municipal Act*, 2001 authorizes the Town of Arnprior to pass By-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs; and

Whereas subsection 63 of the *Municipal Act*, 2001 authorizes the municipality, if it passes a by-law for prohibiting or regulating the placing of an object on or near a Highway, to provide for the removal and impounding of such object placed on or near a Highway in contravention of that by-law; and

Whereas the Municipal Elections Act, 1996 provides provisions for election campaign advertising which includes but is not limited to election signs; and

Whereas By-law Number 5209-04 was enacted and passed to regulate or prohibit signs and other advertising devices within the municipality; and a

Whereas the Council of the Town of Arnprior deems it necessary to remove the election sign provisions currently in By-law Number 5209-04 and form a separate by-law for the regulation of elections signs for clarity and to reflect the addition of third party advertisers as per the Municipal Elections Act;

Whereas section 425 of the *Municipal Act*, establishes that any person who contravenes any By-law of the Corporation of the Town of Arnprior is guilty of an offence;

Therefore, the Council of the Town of Arnprior enacts as follows:

1.0 Short Title

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

2.0 Scope

2.1 If any provision of this By-law conflicts with any provision of any other Town of Arnprior By-law, the provision of this By-law shall take precedence.

3.0 Definitions

In this By-law:

- 3.1 **“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 political party, or influencing electors to vote for or against an issue associated with a Candidate or political party, or influencing electors to vote for or against any Candidate or any question, law or by-law submitted to the electors
- 3.2 **“By-Election”** means any Election other than a regular Election in the case of a Municipal Election or a General Election in the case of a provincial or federal Election;
- 3.3 **“Candidate”** means a person who has been nominated to run in a municipal, provincial or federal election;
- 3.4 **“Clerk”** means the Town Clerk or their designate;
- 3.5 **“Election ”** means a general Federal or Provincial Election or a regular Municipal Election and any question or by-law submitted to the electors and includes an Election to a Local Board or commission;
- 3.6 **“Election Sign”** means any sign which:
 - 3.5.1 Advertises, promotes, opposes or takes a position with respect to any candidate or political party in a federal, provincial or municipal election or by-election, including an election of a local Board or commission; or
 - 3.5.2 Is intended to influence electors to vote for or against any candidate issue associated with a Candidate or political party in a federal, provincial or municipal Election or By-Election; or

- 3.5.3 Is intended to influence electors to vote for or against any Candidate or any question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)*, or section 8 of the *Municipal Elections Act, 1996*; or
- 3.5.4 A “Vehicle Election Sign” means any form of Election Sign displayed in or on a vehicle, including a vehicle wrap.
- 3.7 “**Highway**” means a common and public walkway, lane, street, avenue, parkway, driveway, square, place and includes any bridge, trestle, viaduct or trestle, designed and intended for, or used by, the public for the passage of vehicles and pedestrians and the untraveled portion of a road allowance;
- 3.8 “**Municipal Act**” means the *Municipal Act, 2001, S.O. 2001, c.25*, as amended;
- 3.9 “**Private Property**” means real property that is not a Highway or Public Property;
- 3.10 “**Public Property**” means property owned by or under the control of the Town, of Arnprior, any of its agencies, local boards or commissions, including highways, street and road allowances, median strip, traffic islands; and, shall be deemed to include public utility poles, regardless of whether the public utility poles are owned by or under the control of the Town; and, shall also be deemed to include, benches, municipal garbage containers or other structures located on a highway regardless of whether the containers or structures are owned by the Town;
- 3.11 “**Registered Third Party**” or “**Third Party Advertiser**” means one of the following whose notice of registration has been certified by the Clerk pursuant to section 88.6 of the *Municipal Elections Act, 1996*:
- 3.10.1 An individual who is normally a resident in Ontario; or
- 3.10.2 A corporation that carries on business in Ontario; or
- 3.10.3 A Trade Union that holds bargaining rights for employees in Ontario.
- 3.12 “**Road Allowance**” means the allowance for a public road and includes the travelled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks;
- 3.13 “**School Crossing**” means any portion of a highway designated by the Town, indicating a school Zone;
- 3.14 “**Sight Triangle**” means the triangular space on a lot formed by two intersecting street lines and a line drawn from a point in one street line across such lot to a

point in the other street line, each such point being 9.0 metres from the point of intersection of the street lines (measured along the street lines). Where two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the tangents to the street;

3.15 **“Sidewalk”** means that part of a Highway with a surface that is improved, designed or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path;

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

4.0 General Provisions

4.1 No person shall place or permit to be placed an election sign within the geographic limits of the Town except in accordance with this by-law and all applicable legislation.

4.2 This by-law shall not apply to signs placed by the Town or the provincial or federal government to provide information concerning an election or by-election or any part of an election or by-election.

4.3 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.

4.4 No person shall deface or willfully cause damage to an election sign.

4.5 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.

4.6 On Advance Voting Day(s) and Voting Day, no person shall place or permit to be placed an election sign on, in, or within 50 m of a Voting Place or a place where the administration of Election processes are conducted on Advance Voting Days or Voting Day; unless such land is on private property.

4.7 No person shall place or permit to be placed an election sign to a tree, pipe, telephone pole, hydro pole, light standard or any other utility infrastructure.

4.8 No person shall place or permit to be placed an election sign within a sight triangle.

4.9 No person shall place or permit to be placed an election sign that:

4.9.1 Is illuminated, has flashing lights, or rotating parts;

4.9.2 Measures more than 1.5 square metres and has a height that is more than 2.15 metres above the ground;

4.9.3 Obstructs or impedes any fire escape, fire exit, door, window, skylight, flue, air intake or air exhaust or prevents or impedes the free access of emergency personnel to any part of a building, including any emergency water connection or fire hydrant;

4.9.4 Impedes, hinders or prevents parking by vehicles on private lands;

4.9.5 Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;

4.9.6 Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals.

4.9.7 Sub-clauses 4.9.1 and 4.9.2 of this By-law shall not apply, Billboard Election Signs or specified Vehicle Election Signs (i.e. vehicle wrap)

4.10 No person shall place or permit to be placed an election sign within:

4.10.1 One (1) metre of the street lot line;

4.10.2 One and One Half (1.5) metres of the interior lot line;

4.10.3 One (1) metre of a driveway;

4.10.4 Ten (10) metres of traffic lights;

4.10.5 Three (3) metres of a school crossing.

5.0 Contents of election signs

5.1 Each election sign shall identify who is responsible for the messaging.

5.2 Each third-party sign shall identify 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.

5.3 No person shall display the Town's logo or the Town's municipal election logo, in whole or in part, on any Election Sign.

6.0 Election Signs on Private Property

- 6.1 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.

7.0 Election Signs on Public Property

- 7.1 No person shall place or permit to be placed an election sign anywhere on public property, including within a road allowance.
- 7.2 Notwithstanding the above, this By-law shall not apply to the road allowance on the North Side of William Street.

8.0 Timing of placement

- 8.1 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.

- 8.2 No person shall place or permit to be placed an Election Sign for a municipal election no earlier than:

- 8.2.1 Six (6) weeks prior to Election Day in the year of a regular election; or

- 8.2.2 Six (6) weeks Nomination Day for a by-election.

9.0 Removal of Election Signs

- 9.1 All election signs shall be removed within seven (7) days of the day on which the election or by-election is held.

- 9.2 Where an election sign has been placed on private property, it is the responsibility of the owner or occupant of the property to ensure the election sign is removed within the required time period.

- 9.3 Where election signs have been posted in contravention of this policy or any other by-law, the Town may:

- 9.3.1 Notify the candidate or third-party advertiser to repair or remove the sign, or take the necessary action to make the sign comply with the provisions of this policy;

- 9.3.2 Remove the sign.

- 9.4 If a sign is erected or displayed in violation of this by-law, the Town may cause the sign to be removed immediately without notice if it poses an immediate safety hazard.
- 9.5 Where an election sign has been placed in contravention of any provision of this by-law, a By-law Enforcement Officer, or any other individual designated by the Clerk may cause the election sign to be removed immediately without notice .
- 9.6 Signs that have been removed pursuant to this by-law shall be stored by the Town for a maximum of fifteen (15) days, during which time the candidate or third party advertiser may retrieve the sign.
- 9.7 The Town may destroy any election sign which has been seized and is not claimed and retrieved by the sign owner within fifteen (15) days without compensation to the candidate or third-party advertiser.

10.0 Severance

- 10.1 If any section or part of a section of this By-law is found by any Court to be illegal or beyond the power of Council to enact, such section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to be separate and independent, and shall continue in full force and effect

11.0 Offence and penalty

- 11.1 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*, as amended.

12.0 Force and Effect

- 12.1 **That** Section 6.6 of By-law Number 5209-04 be hereby repealed, including any reference to elections signs throughout the by-law.
- 12.2 **That** this By-law shall come into force and effect on the day of its passing.

Enacted and passed this 28th day of February, 2022.

Signatures:

Walter Stack, Mayor

Maureen Spratt, Town Clerk