

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW 72 - 2015

A By-law to Regulate Election Signs

WHEREAS the Municipal Act, 2001 (S.O. 2001, c.25) authorizes a lower tier municipality to pass By-laws respecting matters within the sphere of jurisdiction of structures, including fences and signs;

AND WHEREAS the Council of the Corporation of the Town of Saugeen Shores considers it desirable to enact such a By-law;

THEREFORE BE IT RESOLVED that the Council of the Town of Saugeen Shores enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

"By-law Enforcement Officer" means any person duly appointed to enforce the By-laws of the Town or any officer of the Saugeen Shores Police Services

"candidate" shall have the same meaning as in the *Canada Elections Act*, the *Elections Act* (Ontario) of the *Municipal Elections Act*, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or By-law submitted in accordance with the *Municipal Elections Act*.

"ground sign" means a sign directly supported by the ground without the aid of any other building or structure other than the sign structure.

"erect", "erected" and "erection" includes the alteration, placing or relocation of any sign or any portion thereof, and the posting of notices.

"election sign" means:

- (a) any sign advertising or promoting the election of a political party or of any candidate standing for public office;
- (b) any sign intended to influence persons to vote for or against any candidate or any question or By-law submitted to the electors in accordance with the *Canada Elections Act*, the *Elections Act* (Ontario) or the *Municipal Elections Act*.

"height" means the vertical measurement from the average finished grade at the base of the sign to the highest point of the sign structure.

"owner" means a person or his or her authorized agent in lawful control of the premises, building, occupancy, sign or other structure or portion thereof under consideration.

"road allowance" means any Provincial, County or Town owned land open and maintained as a public highway, including sidewalks, bridges, multiuse trails and other portions of land within the road allowance designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance.

"roadway" means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic and includes the gravel shoulder of the road.

"sign" means an advertising device or notice; and any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself for identification, information or advertising purposes. A sign shall be considered a structure for the purpose of this By-law.

"Town" means the Corporation of the Town of Saugeen Shores.

“voting place” means the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises.

2. GENERAL PROVISIONS

- 2.1 No person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- 2.2 The candidate to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this By-law have been met.
- 2.3 No person shall pull down or remove a lawfully erected election sign without the consent of the candidate to which the election sign relates or the owner of the property on which the election sign is erected.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected election sign.
- 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 Town.
- 2.6 No person shall erect an election sign for a candidate other than for a candidate who is being elected to represent the electors of the Town of Saugeen Shores.

3. PROHIBITED

- 3.1 No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
 - a) on a utility pole, light pole, traffic sign or device, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box located on a road allowance;
 - b) at any location where the election sign:
 - (i) obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device, or where it may interfere with vehicular traffic potentially endangering any person;
 - (ii) constitutes a danger or hazard;
 - c) that is illuminated, animated or rotating;
 - d) on Town owned land located at 600 and 620 Tomlinson Drive, Port Elgin, being the location of the Municipal Office/Plex, Saugeen Shores Police Service, Skateboard Park and BMX Track;
 - e) on the Wellington Street and Tomlinson Drive road allowances located immediately adjacent to 600 and 620 Tomlinson Drive;
 - f) at any time on any election voting day, including those days when advance election voting is held, place an election sign, or cause an election sign to be placed on any premises used as a polling place for the election.

4. ROAD ALLOWANCE

- 4.1 No person shall place an election sign, or cause an election sign to be placed on a road allowance if the election sign or any portion thereof is:
 - a) on or over a roadway or a sidewalk;
 - b) within a site triangle at the intersection of two roadways;
 - c) located on any centre median, traffic island or centre boulevard within a road allowance;

- d) greater than 1.5 m² (16.15 ft²) in sign face area;
- e) greater than 1.25 m (4.10 ft) in height;
- f) not mounted on its own support affixed and secured directly to the ground;
- g) in any location described in Section 3.1(b) of this By-law.

5. ELECTION SIGNS ON PRIVATE PROPERTY

- 5.1 No person shall erect an election sign on private property:
- a) without the consent of the owner or tenant of the property;
 - b) if the sign is deemed to interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - c) in any location described in Section 3.1(b) of this By-law.
- 5.2 The use of a sign structure other than a ground sign is permitted in all zones other than the Residential zones subject to compliance with the provisions of this By-law and in accordance with the permitted size, height and sign location restrictions provided in the Town of Saugeen Shores' Sign By-law.

6. TIMING

- 6.1 No candidate or his agent or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed or otherwise displayed prior to the issuance of writs for a provincial or federal election or prior to the day after Nomination Day of a municipal election.
- 6.2 An election sign shall be removed within 7 days immediately following the day of the election.

7. REMOVAL OF UNLAWFUL ELECTION SIGNS

- 7.1 Where an election sign has been affixed, erected or otherwise displayed on a road allowance or on property owned by the Town of Saugeen Shores in contravention of any provision of this By-law, the Town of Saugeen Shores' By-law Enforcement Officer, or any other individual designated by the Clerk of the Town of Saugeen Shores, may cause the election sign to be removed immediately without notice and further action may be taken as provided in this By-law.
- 7.2 Signs that have been removed shall be stored by the Town for a maximum of twenty (20) days during which time the owner of the sign or the owner's agent may retrieve the sign.
- 7.3 Any election sign that is stored by the Town for more than twenty (20) days and not retrieved by the owner of the sign or his agent within that period of time may be destroyed or otherwise disposed of by the Town without notice and without compensation to the owner of the sign.

8. LIABILITY

- 8.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any 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, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on the Town, its officers, employees, servants, agents and contractors, any responsibility or liability whatsoever by reason of the removal of any sign.

9. ENFORCEMENT - PROVINCIAL OFFENCES ACT

- 9.1 Where any person is directed or required by this By-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the *Municipal Act*.
- 9.2 Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the *Provincial Offences' Act*.

10. COMMENCEMENT

This By-law comes into force and takes effect upon receiving set fine approval.

11. TITLE

This By-law may be referred to as "Election Sign By-law".

12. CONFLICT

In the event of a conflict between this By-law and the provisions of another By-law of the Town regulating signage, the provisions of this By-law shall prevail.

READ A FIRST AND SECOND TIME THIS 24TH DAY OF AUGUST, 2015.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 24TH DAY OF AUGUST, 2015.



Mike Smith, Mayor



Tracey Edwards, Deputy Clerk

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 72-2015, of the Town of Saugeen Shores, attached hereto are the set fines for those offences. This Order is to take effect September 18, 2015.

Dated at London this 18th day of September 2015.



Stephen J. Fuerth
Regional Senior Justice
West Region

TOWN OF SAUGEEEN SHORES
Part 1 Provincial Offences Act
BY-LAW 72-2015: Election Sign By-law

	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision Creating of Defining Offence	<u>COLUMN 3</u> Set Fine
1	Remove lawfully erected sign	2.3	100.00
2	Deface or willfully cause damage	2.4	100.00
3	Display logo, trademark or official mark owned/licenced by Town	2.5	100.00
4	Erect Sign on a pole, sign, device, or box located on road allowance	3.1 (a)	100.00
5	Erect Sign in any location to obstruct view	3.1 (b)(i)	100.00
6	Erect Sign in any location to constitute danger or hazard	3.1 (b)(ii)	100.00
7	Erect illuminated, animated or rotating sign	3.1 (c)	100.00
8	Place Sign on Town owned land	3.1 (d)	100.00
9	Place Sign on road allowance adjacent to Town owned land	3.1 (e)	100.00
10	Place Sign on premises used as Polling Place	3.1 (f)	100.00
11	Place Sign on or over a roadway or sidewalk	4.1 (a)	100.00
12	Place Sign within a site triangle	4.1 (b)	100.00
13	Place Sign on any centre median, traffic island or centre boulevard	4.1 (c)	100.00
14	Place Sign greater than 1.5 m ² in size	4.1 (d)	100.00
15	Place Sign greater than 1.25 m in height	4.1(e)	100.00
16	Place Sign not affixed & secured directly to the ground	4.1 (f)	100.00
17	Erect Sign on private property without consent	5.1 (a)	100.00
18	Erect Sign - interfere with safe operation of vehicle or pedestrian	5.1 (b)	100.00
19	Erect Sign prior to issuance of Writs or Nomination Day	6.1	100.00
20	Fail to remove sign within 7 days following election	6.2	100.00
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The penalty provisions Clause for the offences indicated above is Section 9.2 of By-law 72 -2015, certified copies of which have been filed.