

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## BY-LAW NO. 18-21

**BEING** a by-law to regulate Election Signs.

**WHEREAS** Subsection 11(3) of the *Municipal Act, 2001* S.O. 2001 c. 25 provides that councils of lower tier municipalities may pass by laws respecting structures including fences and signs;

**AND WHEREAS** Section 99 of the *Municipal Act, 2001* S.O. 2001 c. 25 authorizes a municipality to pass by-laws regulating advertising devices;

**AND WHEREAS** the Council of the Municipality of Mississippi Mills (the "Municipality") deems it necessary to regulate the location, manner and display of election signs for reasons of public safety;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

### Short Title

1. This By-law shall be cited as the "Election Signs By-law".

### Definitions

2. In this By-law, the following terms have the specified meanings:
  - a) "**Boulevard**" means that part of a road which lies between the travelled portion of the road and the property line.
  - b) "**By-law Enforcement Officer**" means a By-law Enforcement Officer appointed by the Corporation of the Municipality of Mississippi Mills.
  - c) "**Candidate**" means a person who is running or has expressed an intention to run in a municipal, provincial, or federal election.
  - d) "**Clerk**" means " the Municipal Clerk of the Municipality of Mississippi Mills or his/her designate
  - e) "**Crosswalk**" means:
    - i. that part of the highway at an intersection that is included within the confines of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the highway; or

- ii. any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface.
- f) **“Election Sign”** means:
- i. any sign advertising or promoting a candidate in a federal, provincial, or municipal election;
  - ii. 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 *Municipal Elections Act, 1996*;
  - iii. a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning.
- g) **“Help Centre”** means a location designated by the Clerk to assist electors with the internet/telephone voting process or other general election inquiries and includes the entire property and all boundaries associated with it (parking lot, adjoining fences, and road allowances).
- h) **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by, the general public for the passage of vehicles.
- i) **“Official Sign”** means a sign placed by the Municipality to control and regulate the movement of vehicles and pedestrians, signs posted by the Municipality under the provisions of the Sign By-law, a sign approved by the Ministry of Transportation Ontario, and signs described in the *Highway Traffic Act*.
- j) **“Public Property”** means property owned or under the control of the Municipality of Mississippi Mills or any of its agencies, boards or commissions, including parks, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Municipality, 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 Municipality. Property owned by the Municipality and leased to another person or entity shall not be deemed to be public property.
- k) **“Registered Third Party”** means an individual who is normally a resident in Ontario, a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario, and who’s Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- l) **“Revision Centre”** means a location designated by the Clerk where eligible electors can make additions, deletions and corrections to their information on the Voters’ List and includes the entire property and all boundaries associated with it (parking lot, adjoining fences, and road allowances).

- m) **“Road Allowance”** means land reserved by the Municipality for a public roadway and includes the road surface, grassed area, boulevard, ditch, curb, gutter, sidewalk, and any other structures constructed by the Municipality.
- n) **“Sidewalk”** means that portion of a highway between the curb lines and the property line of the lot abutting the highway and which is intended for the use of pedestrians.
- o) **“Sight Triangle”** means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, which must be kept clear of obstructions such as hedges so that people on one road can see cars approaching on the other. Where the 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 projection of the street lines or the intersection of the tangents to the street lines.
- p) **“Sign Height”** means the measured height from grade below the sign to its highest most point of the sign.
- q) **“Vehicle”** includes an automobile, truck, motorcycle, motorized snow vehicle, bus, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include vehicles running only upon rails.

### **General Provisions**

- 3. No person shall place or permit to be placed an election sign except in accordance with this by-law.
- 4. No person shall place or permit to be placed an election sign on public property.
- 5. No person shall place or permit an election sign to be placed:
  - a) at or within 50 meters of a Help Centre or Revision Centre;
  - b) in or on a vehicle that is parked within 50 meters of a Help Centre or Revision Centre;
  - c) in a road allowance within the Ward of Almonte and the Hamlets of Blakeney, Appleton, Clayton and Pakenham and registered plans of subdivision;
  - d) in a median strip;
  - e) in a sight triangle;
  - f) less than 3 meters from a crosswalk;
  - g) that impedes or obstructs the passage of pedestrians on a sidewalk;
  - h) on a utility pole;
  - i) on any official sign or official sign structure;
  - j) which include electronic displays or is illuminated;

- k) is attached to or placed upon any building in such a manner so as to obstruct any fire escape, fire exit, or to interfere in any way with the work of the fire department;
  - l) obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic signs or devices, or where it may interfere with vehicular traffic potentially endangering any person;
  - m) impedes or hinders or prevents parking by vehicles on private or public lands, or on a public highway.
6. The candidate or registered third party shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all requirements of this by-law have been met.
  7. No person shall place or permit to be placed an election sign outside of the ward where the candidate is running for office.
  8. No person shall pull down or remove a lawfully erected election sign on private property without the consent of the candidate or registered third party to whom the sign relates or the owner or tenant of the property on which the sign is erected.
  9. No person shall deface or willfully cause damage to a lawfully erected sign.
  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.

### **Election Signs on Private Property**

11. Election signs may be erected or displayed on private property if:
  - a) the signs are erected with the consent of the owner or tenant of the property
  - b) the sign height is less than 2 meters; and
  - c) the signs do not interfere with the safe operations of vehicular traffic or with the safety of pedestrians.
12. No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
13. No more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.

### **Timing**

14. 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.

15. No person shall place or permit to be placed an election sign for a municipal election until after Labour Day of an election year.
16. All election signs shall be removed within seven (7) days immediately following 11:59 p.m. of the day of the election.

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

17. Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this by-law, a By-law Enforcement Officer or any other individual designated by the Clerk may:
  - a) cause the sign to be removed immediately without notice; or
  - b) provide an order to remove the sign.
18. Election signs that have been removed pursuant to this by-law shall be stored by the Municipality for a minimum of thirty (30) days, during which time the candidate, candidate's agent, or registered third party may retrieve the sign by providing the Municipality with the required payment associated with the removal of the sign as provided in the Fees and Charges By-law.
19. Any sign that has been removed by the Municipality and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the Municipality without notice and without compensation to the candidate or registered third party.
20. Any applicable fees as set out in the Fees and Charges By-law may be recovered by legal action or in like manner as municipal taxes. Outstanding amounts will be applied to a candidate's tax roll, if applicable, based on qualifying address provided on the candidate's nomination paper.

### **Offence and Penalty**

21. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*, R.S.O.1990.

### **Liability**

22. 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 wilful 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 Municipality, its officers, employees, servants, agents and contractors any responsibility or liability, whatsoever, by reason of the removal of any sign.

## **Conflicts**

23. In the event of a conflict between the provisions of this by-law and the provisions of another by-law of the Corporation of the Municipality of Mississippi Mills regulating signage, the provisions of the more restrictive enactment shall prevail.

## **Validity**

24. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be *ultra vires*, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in force and effect.

## **Enactment**

25. This by-law shall come into effect upon its passing

**BY-LAW** read, passed, signed and sealed in open Council this 6<sup>th</sup> day of February, 2018.

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Shaun McLaughlin, Mayor

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Shawna Stone, Clerk