

BY-LAW NO. 56-2018

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE 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 Town of Carleton Place (the "Town") 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 Town of Carleton Place enacts as follows:

1. DEFINITIONS

1.1 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 Town of Carleton Place.
- c) "**Campaign Office**" means a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;
- d) "**Campaign Materials**" means any information, posters and signage relating to a candidate or political party made available to the public;
- e) "**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;
- f) "**Clerk**" means the Municipal Clerk of The Town of Carleton Place or his/her designate;

- g) **“Crosswalk”** means: 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 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.
- h) **“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;
 - 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; or;
 - iv) a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning.
- i) **“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).
- j) **“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.
- k) **“Official Sign”** means a sign placed by the Town to control and regulate the movement of vehicles and pedestrians, signs posted by the Town 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.
- l) **“Posting Period”** means the six (6) weeks prior to the close of the election during which time candidates or Third Party Advertisers are permitted to post campaign material.
- m) **“Public Property”** means property owned or under the control of The Town of Carleton Place, 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 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.

- n) **“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 whose Notice of Registration for Third Party Advertiser has been certified by the Clerk.
- o) **“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).
- p) **“Road Allowance”** means land reserved by the Town for a public highway and includes the road surface, grassed area, boulevard, ditch, curb, gutter, sidewalk, and any other structures constructed by the Town.
- q) **“Sidewalk”** means that portion of a highway between the curb line and the property line of the lot abutting the highway and which is intended for the use of pedestrians.
- r) **“Sign Height”** means the measured height from grade below the sign to the highest most point of the sign.
- s) **“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.
- t) **“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.

2) GENERAL PROHIBITIONS

- a) No person shall place or permit to be placed an Election Sign that:
 - i) is illuminated (does not apply to an Election Sign promoting a Candidate on a Campaign Office);
 - ii) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
 - iii) impedes or obstructs the Town’s maintenance operations.
- b) 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.
- c) That all Municipal Election Signs shall be in compliance with the requirements of the Municipal Elections Act, 1996 (the Act).

- d) With respect to Municipal Elections and in accordance with the Act, Candidates and Registered Third Parties must visibly indicate who is responsible for the messaging on their signs and in their ads.

3) TIMING

- a) 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.
- b) Excepting for social media advertising, 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:
 - i) earlier 6 weeks prior to a regular election; or
 - ii) earlier than 6 weeks prior to a by-election.
- c) 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.
- d) No Owner shall fail to remove their Election Sign within one week of the election.

4) ELECTION SIGNS ON PUBLIC PROPERTY

- a) No campaign material shall be permitted in or on any municipal property, whether owned or leased, with the only exceptions being along municipal road allowances, and municipally owned vacant land; this includes but is not limited to the following:
 - i) Town Hall
 - ii) Carleton Place Arena
 - iii) Carambeck Community Centre
 - iv) any Public Works yard or facility
 - v) any municipal daycare
 - vi) any Town owned park including dog parks
 - vii) the road allowances abutting the above noted Items i-vi.
- b) No campaign material shall be permitted:
 - i) on the travelled portion of a Highway
 - ii) that impedes or obstructs the passage of pedestrians on a Sidewalk;
 - iii) in a Median Strip;
 - iv) on a tree, or a fence, or a wall, or a gate, or a utility pole located on Public Property or a Highway;
- c) No person shall place or permit to be placed an Election Sign inside a Town-owned building; including video or digital mediums.

- d) No person shall place or permit to be placed an Election Sign on or in a Help Centre, Revision Centre or Voting Place or on the abutting road allowance.
- e) No person shall place or permit to be placed an Election Sign that has a Sign Height:
 - i) of more than 1.8 metres when placed within 3 to 8 metres of the Highway;
 - ii) of more than 4 metres when placed beyond 8 metres of the Highway.
- f) No person shall damage a Highway when placing an Election Sign.
- g) No person shall damage public structures or permit the damaging of public structures on a Highway when placing an Election Sign.

5) ELECTION SIGNS ON PRIVATE PROPERTY

- a) Election signs may be erected or displayed on private property if:
 - i) the signs are erected with the consent of the owner or tenant of the property;
 - ii) the sign height is less than 2 meters; and
 - iii) the signs do not interfere with the safe operations of vehicular traffic or with the safety of pedestrians.

6) REMOVAL OF UNLAWFUL ELECTION SIGNS

- a) 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:
 - i) cause the sign to be removed immediately without notice; or
 - ii) provide an order to remove the sign.
- b) Election signs that have been removed pursuant to this By-law shall be stored by the Town for seven (7) days to permit the candidate or Third Party Advertiser an opportunity to pick up the sign upon being notified by staff.
- c) Any sign that has been removed by the Town and stored for more than seven (7) days may be destroyed or otherwise disposed of by the Town without notice and without compensation to the candidate or Registered Third Party.
- d) Any sign that is removed by staff during the permitted posting period or not removed after one (1) week of the close of the election shall be subject to a removal fee of \$25.00 per sign as set out in Schedule 'A' of this By-law.
- e) Any applicable fees as set out in Schedule 'A' of this 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.

7) ADMINISTRATION

- a) The administration of this By-law is delegated to the Clerk;
- b) Questions or complaints shall be forwarded in writing to the Clerk in writing;
- c) Staff shall not be responsible for the proactive enforcement of this policy.

8) ENFORCEMENT

- a) This By-law may be enforced by the Clerk or a By-law Enforcement Officer.

9) OFFENCE AND PENALTY

- a) 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.

10) SHORT TITLE OF BY-LAW

- a) This by-law may be referred to as the "Election Sign By-law"

11) LIABILITY

- a) 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 Town, its officers, employees, servants, agents and contractors any responsibility or liability, whatsoever, by reason of the removal of any sign.

12) CONFLICTS

- a) 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 Town of Carleton Place regulating signage, the provisions of the more restrictive enactment shall prevail.

13) VALIDITY

- a) 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.

14) ENACTMENT

a) This By-law shall come into effect upon its passing.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED
THIS 29TH DAY OF MAY 2018.

Louis Antonakos, Mayor

D.H. Rogers, Clerk

SCHEDULE 'A'
BY-LAW 56-2018

THE CORPORATION OF THE TOWN OF CARLETON PLACE

A removal fee of \$25 per sign will be charged for signs in contravention of the Election Sign By-law.