

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BYLAW 2017-103

BEING A BYLAW TO REGULATE ELECTION SIGNS

IN THE MUNICIPALITY OF HASTING HIGHLANDS

Whereas subsection 11.3 of the *Municipal Act, 2001 S O 2001 c.25* provides that councils of lower tier municipalities may pass bylaws to 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 bylaws regulating advertising devices; and

Whereas Subsection 11.8 of the *Municipal Act, 2001 S O 2001 c.25* provides that a municipality has the power to pass a bylaw respecting highways; and

Whereas the Council of The Corporation of the Municipality of Hastings Highlands deems it necessary to regulate the location, manner and display of election signs in order to prevent the unlimited proliferation of signs on highways and property that would create dangerous and undesirable situations,

Now therefore be it resolved that the Council of the Corporation of the Municipality of Hastings Highlands hereby enacts as follows:

1. Definitions

1.1 In this Bylaw the following terms shall have the meanings indicated:

- (a) **“Boulevard”** means that portion of a highway which may be paved, unpaved, grassed or landscaped with other materials between the Municipal property line and the curb line but does not include the sidewalk and any centre median strip or island separating two (2) roadways;
- (b) **“Bylaw Enforcement Officer”** means a bylaw enforcement officer appointed by Council of The Corporation of the Municipality of Hastings Highlands;
- (c) **“Campaign Office”** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate’s campaign staff are normally present and the public may enter to obtain information about the candidate;
- (d) **“Candidate”** shall have the same meaning as in the *Canada Elections Act* the *Election Act Ontario* or the *Municipal Elections Act, 1996*, as amended, as applicable and shall be deemed to include a person seeking to influence other persons to vote for or against any question or bylaw submitted in accordance with the *Municipal Elections Act, 1996*, as amended;

- (e) **“Election”** sign means
- i. any sign advertising or promoting a candidate in a federal provincial or municipal election including an election for a local board or commission;
 - ii. any sign intended to influence persons to vote for or against any candidate or any question or bylaw submitted to the electors in accordance with *the Municipal Elections Act, 1996*; or
 - iii. a vehicle where a large or predominant portion of the vehicle is used for purposes of campaigning;
- (f) **“Election Day”** means the day designated by law for the election of public Officials.
- (g) **“Façade”** means the exterior wall of a building exposed to public view on the street which bears the municipal address of the building;
- (h) **“Height”** means the vertical distance measured from the lowest grade level at the base of the sign to the highest point of the same sign;
- (i) **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square place, bridge, viaduct or trestle any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (j) **“Illuminated”** means lighted by any means whatsoever including direct, indirect, internal and external sources of illumination;
- (k) **“Lot”** shall mean a parcel of land having continuous frontage on a public street described in a deed or other document, which is legally capable of conveying a fee simple interest of land, other than a leasehold interest, easement, or right-of way;
- (l) **“Municipal Property”** means land or buildings owned or leased by the Municipality, County of Hastings, or a local board as defined in the *Municipal Act, 2001*, as amended;
- (m) **“Municipality”** or **“Municipality of Hastings Highlands”** means The Corporation of the Municipality of Hastings Highlands;
- (n) **“Official Sign”** means any sign which is required to be erected or displayed pursuant to any statute bylaw regulation or other directive of any federal provincial or municipal government or agency board or commission thereof;
- (o) **“Order”** means an Order made under the corresponding section(s) of this bylaw;
- (p) **“Owner”** means the registered owner of the lands and includes any

person, firm, partnership, corporation, institution, religious or philanthropic organization government or governmental agency controlling maintaining or occupying the lands upon which a sign is or will be erected or displayed;

- (q) **“Road Allowance or Highway”** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property;
- (r) **“Rotating Sign”** means any sign or portion of a sign which rotates on an axis;
- (s) **“Sight Triangle”** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line or railway line, each such point being 9 metres (29.5 feet) from the point of intersection of the street lines (measured along the street lines). 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;
- (t) **“Sign”** shall mean any device, object or thing which creates a design or conveys a message or which is designed to convey a message and which is erected, located or fixed on any real property for the purposes of conveying any type of message and shall include a flag a vehicle and includes any identification notice description illustration or advertising device which is:
 - i.* illuminated or non-illuminated;
 - ii.* visible from any street;
 - iii.* located on any property; or
 - iv.* exposed to the public;
- (u) **“Sign Area”** means the area of the sign within the perimeter which forms the outside shape and:
 - i.* where the sign consists of two sides the area of one side of the sign; or
 - ii.* where the sign consists of more than two sides the total of the areas of each side of the sign;
- (v) **“Third Party Advertisement”** is a message in any medium (billboard, newspaper, radio, etc.) that supports or opposes a candidate or a “yes” or “no” vote on a question on the ballot. Third party advertising does not include issues-based advertising so groups that do public outreach can continue their issued-based advocacy work throughout the municipal election period.
- (w) **“Third Party Advertisers”** mean individuals, corporations and unions that can register as third party advertisers and can also make contributions to third party advertisers. Third party advertisers will need to register with the

municipality where they want to advertise. If they want to advertise in more than one municipality, they have to register in each municipality. Registration allows a third party advertiser to promote or oppose any candidate that the electors in the municipality can vote for (local council, and school board trustee positions). Third party advertising must be done independently of candidates, who are not able to direct a third party advertiser. Candidates are not able to register as third party advertisers.

- (x) **“Travelled Portion of Highway or Road”** means the part of the highway from edge of shoulder to edge of shoulder. No signs shall be placed on the travelled portion of road.
- (y) **“vehicle”** means a motor vehicle trailer traction engine farm tractor road building machines bicycle and any vehicle drawn propelled or driven by any kind of power including muscular power
- (z) **“Voting Location”** means the entire property where an election occurs or a building is used as a polling station, and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

2.0 General Provisions

- 2.1** No person or third party advertiser shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed, repaired or altered an election sign on any lands or buildings or structures within the Municipality, except in accordance with the provisions of this bylaw;
- 2.2** Notwithstanding any other provision of this bylaw no person or third party advertiser shall, affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
 - a) on any official sign or official sign structure;
 - b) within a sight triangle;
 - c) on the land or buildings situated on or in or on a vehicle that is parked at a voting location or on the road allowance in front of a voting location or within thirty 30 metres of the voting location;
 - d) 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 safety hazard;
 - iii.* impedes or hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminates a public parking space required by law;
 - iv.* impedes or hinders a view of a public highway or a railway crossing;

- v. is located on any municipal, provincial, federal or school property;
 - vi. is attached to a tree, bush, stone or other natural object;
 - vii. is attached to a utility pole, traffic sign or any other municipal infrastructure;
- 2.3 No person or third party advertiser shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed, repaired or altered an illuminated or rotating sign;
- 2.4 No person or third person advertiser shall affix, erect, display, repair or alter or cause or permit to be affixed, erected, displayed repaired or altered an election sign displaying The Corporation of the Municipality of Hastings Highlands logo, crest or seal;
- 2.5 No person or third party advertiser shall leave an abandoned sign on a property;
- 2.6 No person or third party advertiser shall use or permit or cause to be used an election sign that is attached, affixed or displayed on a vehicle or trailer;
- 2.7 No person or third party advertiser shall attach, affix, or display or cause the display or attachment of any election sign on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign;
- 2.8 Election signs may be displayed in the Municipality in the location:
 - a) that encompasses the entire Municipality; or
 - b) promoting a position with respect to a question on a ballot upon which an eligible elector may vote;
- 2.9 No person or third party advertiser shall deface, move, or willfully cause damage to a lawfully erected election sign.

3.0 Election Signs on Private Property

- 3.1 Only one election sign per candidate or third party advertiser shall be affixed erected or otherwise displayed on any lot;
- 3.2 On corner lots a second sign per candidate or third party advertiser may be affixed erected or otherwise displayed on the adjoining side of the lot;
- 3.3 Election Signs less than or equal to 0.5 square metres in sign area and erected, affixed or otherwise displayed on a lot or on the boulevard shall comply with the following:
 - a) the maximum height shall be 1.0 metre;
 - b) the sign shall be placed no less than 1.8 metres from the curb or travelled portion of the highway or if the election sign is placed adjacent to a sidewalk the sign shall be set back a minimum of 0.6 metres from the edge of the sidewalk; and
 - c) Subsection 3.3 b) does not apply when the sidewalk is less than 0.6 metres from the main wall of a building or other obstruction in which case the sign shall be placed at the furthest distance possible from the sidewalk;
- 3.4 Election Signs less than or equal to 1.5 square metres in sign area and erected, affixed or otherwise displayed on a lot or on the boulevard shall comply with the following:
 - a) the maximum height shall be 2.4 metres; and

- b) the sign shall be placed no less than 7.0 metres from the curb or travelled portion of the highway;
- 3.5** Paragraph 3.4 b) does not apply when the curb or travelled portion of the highway is less than 7.0 metres from the curb or travelled portion of the highway from a fence wall or other obstruction in which case the sign shall be placed at the furthest distance possible from the curb or travelled portion of the highway, and the top of the sign shall:
- a) not exceed the maximum height of 2.4 metres;
 - b) not extend above the height of the obstruction; and
 - c) comply with the remaining requirements of this bylaw;
- 3.6** An election sign may be affixed to the façade of the building or building unit which is used as a candidate's campaign office, if applicable.
- 3.7** Campaign provisions allow candidates to access apartment buildings, condominiums, non-profit housing co-ops or gated communities from 9 a.m. until 9 p.m. Monday to Friday and 9 a.m. until 6 p.m. on Saturday or Sunday in order to campaign. Landlords and condominium corporations shall not prohibit signs in relation to an election on the premises to which the lease applies or a condominium unit exists.
- 3.8** Candidates and third party advertisers shall identify themselves on campaign advertisements and signs, so that it is clear who is responsible for each sign and advertisement that appears.

4.0 Timing

- 4.1** No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected affixed or otherwise displayed prior to the issuance of writs for a provincial or federal election or no earlier than the set nomination day of a municipal election;
- 4.2** An election sign shall be removed within forty eight (48) hours immediately following 11:59 p.m. of Election Day.

5.0 Administration

- 5.1** Election signs may only be erected with the consent of the owner or the tenant on the lot;
- 5.2** The candidate or third party advertiser whom is identified on the election sign as being responsible for the erection or display of the election sign shall ensure that all the requirements of this bylaw have been met;
- 5.3** A deposit in accordance with Schedule A shall be paid before any third party advertiser or candidate or a candidate's registered agent may erect, locate or display an election sign;
- 5.4** Subject to any deductions made under Schedule A of this bylaw a candidate or third party advertiser is entitled to have their election sign deposit refunded no later than 90 days after Election Day;
- 5.5** If an election sign is not removed in accordance with this bylaw, the candidate or third party advertiser whom is identified on the election sign as being responsible for the erection and/or display of the election sign will be charged in accordance

with Schedule A to be deducted from the refundable portion of the candidate's or third party's election sign deposit to cover the cost of removing the sign;

- 5.6 If the costs incurred by the Municipality in removing a candidate or third party advertiser's signs exceed the election sign deposit paid by the candidate or third party advertiser, the Municipality shall notify the candidate or third party advertiser who shall have five (5) days after the date of notice is received to pay:
- a) the outstanding costs of removal at a cost in accordance with Schedule A;
 - and
 - b) further election sign deposit as required under Schedule A.

6.0 Removal of Unlawful Election Signs

- 6.1 Where a person or third party advertiser has affixed, erected or otherwise displayed or caused or permitted to be affixed erected or otherwise displayed a sign contrary to this bylaw, a Bylaw Enforcement Officer may:
- a) cause the sign to be removed immediately without notice; or
 - b) make an order directing the person, candidate or third party advertiser:
 - i. to affix erect or otherwise display the sign in accordance with the requirements of this bylaw; or
 - ii. to remove the sign within seventy two (72) hours of the date of the Order;
- 6.2 An Order made by a Bylaw Enforcement Officer may be delivered personally by email or by sending it by pre-paid ordinary mail to the person or third party advertiser;
- 6.3 Where the person or third party advertiser to whom an Order is issued fails to perform the work required by the Order, a Bylaw Enforcement Officer may remove the sign at the expense of the person, candidate or third party advertiser without further notice;
- 6.4 Signs that have been removed pursuant to this bylaw shall be stored by the Municipality for a minimum of thirty (30) days during which time the person, or candidate's agent or third party advertiser may retrieve the signs by providing the Municipality with a signed acknowledgement and release in a form acceptable to the Municipality;
- 6.5 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 person, candidate or third party advertiser;
- 6.6 The Municipality shall not be required to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.

7.0 Penalties and Offences

- 7.1 Any person to whom an order is issued shall comply with the order;
- 7.2 Every person who contravenes any provision of this bylaw is guilty of an offence as outlined in this bylaw.

8.0 Liability

8.1 The provisions of this bylaw shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person or their 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.

9.0 Conflicts

- 9.1 In the event of a conflict between the provisions of this bylaw and the provisions of another bylaw of the Municipality regulating signage, the provisions of the more restrictive enactment shall prevail;
- 9.2 If a Court of competent jurisdiction declares any section or part of a section of this bylaw invalid it is the intention of Council that the remainder of the bylaw shall continue to be in force.

10.0 Schedules

10.1 Schedule A to this bylaw forms part of this bylaw.


11.0 Title

11.1 This bylaw shall be known as the Election Sign Bylaw.


12.0 Force and Effect

- 12.1 That any previous bylaws pertaining to regulation of elections signs be hereby repealed.
- 12.2 This Bylaw shall come into force and effect on the day of enactment.

ENACTED and passed in Council this 6th day of December, 2017.



Vivian Bloom, Mayor



(Ms.) Pat Pilgrim, CAO/Clerk

Schedule A to Bylaw 2017-103

Type	Deposit Required
For Municipal Election or By-Election:	
Mayor	\$75.00
Deputy Mayor	\$75.00
Councillor	\$75.00
Registered Third Party Advertiser	\$75.00
Trustee	\$50.00
Federal/Provincial Election	\$75.00
Sign Removal	\$10.00 per sign

