

# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW-NO. 2018-36

### BEING A BY-LAW TO REGULATE THE ERECTION OF ELECTION SIGNS WITHIN THE TOWNSHIP OF WEST LINCOLN.

**WHEREAS**, the Municipal Act, S.O. 2001, c.25, Section 8 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act:

**AND WHEREAS** Municipal Act, S.O. 2001, c.25, Section 11(3) provides for the specific spheres of jurisdiction under which the lower and upper tier municipalities may pass by-laws respecting specific matters including matters with respect to signs;

**AND WHEREAS** the powers conferred under the Municipal Act, S.O. 2001, c.25, Section 8 and 11 shall be exercised by by-law;

**AND WHEREAS** Municipal Act, S.O. 2001, c.25, Section 99 specifically sets out the guidelines relating to the passing of by-laws relating to signs and advertising devices;

**AND WHEREAS** pursuant to Section 63 of the *Municipal Act, 2001, S.O. 2001, c. 25*, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

**AND WHEREAS** the Corporation of the Township of West Lincoln and deems it expedient to pass a by-law to regulate the erection of signs for federal, provincial, regional and municipal elections;

**NOW THEREFORE BE IT RESOLVED THAT** the Corporation of the Township of West Lincoln enacts as follows:

#### 1. DEFINITIONS

"Act" shall mean the Municipal Act, 2001, S.O. 2001, c. 25.;

"**Agricultural**" shall mean any property in the Township of West Lincoln that is zoned agricultural as implemented through Township of West Lincoln Comprehensive Zoning By-law 2017-70 (i.e. Agricultural A1, Agricultural A2);

"**Billboard**" shall mean an outdoor sign erected and maintained by a person, firm, corporation or business engaged in the sale or rental of the space on the sign to a clientele, upon which space is displayed copy that advertises goods, products, or services not necessarily sold or offered on the property where the sign is located, and the sign is either single faced or double faced;

"**Boulevard**" shall mean the portion of highway between a street line and the edge of the curb, or, where there is no curb, that portion of the highway which is travelled or designated to be travelled by vehicles but does not include medians, bulges or traffic islands;

"**Campaign Office**" shall mean a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

"**Candidate**" shall mean:

- 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;

"**Election Sign**" shall mean any sign, mobile signs, posters and billboards, promoting, opposing or taking 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; 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;

**"Mobile Sign"** shall mean a temporary sign which is not permanently affixed to the ground or to any structure, and typically designed for the rearrangement of copy on the sign face, and which is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels in such a manner so as to be able to be moved from place to place, which is being used as an election sign, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people, goods or other materials;

**"Municipal Clerk"** shall mean the Municipal Clerk of the Corporation of the Township of West Lincoln or a person delegated by the Municipal Clerk for the purpose of this by-law;

**"Municipal Law Enforcement Officer"** shall mean a Municipal Law Enforcement Officer appointed by the Municipal Council of the Corporation of the Township of West Lincoln;

**"Owner"** shall mean the registered owner of the property on which an Election Sign is placed; any person described on or whose name, image, address or telephone number appears on the election sign; any person who is in control of the Election Sign; any person who benefits from the message on the election sign; or any person who has placed or permitted to be placed the election sign; and shall be deemed to include Candidates and Registered Third Parties; and for the purposes of this by-law there may be more than one owner of the election sign;

**"Place"** shall mean attach, install, erect, build, construct, reconstruct, move, display or affix;

**"Public Property"** shall mean lands owned by the Corporation of the Township of West Lincoln, The Corporation of the Regional Municipality of Niagara, the Province of Ontario, or a local board as defined in the Municipal Affairs Act, as amended, and includes any road allowances;

**"Region"** shall mean the Regional Municipality of Niagara;

**"Registered Third Party"** shall mean, an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996;

**"Residential"** shall mean any property in the Township of West Lincoln that is zoned residential or residential multiple as implemented through Township of West Lincoln Comprehensive Zoning By-law 2017-70 (i.e. Residential RUR, Residential R1, Residential RM1);

**"Roadway"** shall mean the part of a highway that is improved, unimproved, designed or ordinarily used for vehicular traffic;

**"Sidewalk"** shall mean any municipal walkway, or that portion of the street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;

**"Sight Triangle"** shall mean a triangular area on a lot determined by measuring a specified distance along each street line and joining such points with a straight line. At the intersection of a public street and railway, the triangular area shall be determined by measuring a specified distance along the centre line of the public street and the centre line of the railway;

**"Sign Height"** shall mean the vertical height of a sign from the lowest point of finished grade immediately below the subject sign to the highest part of the sign;

**"Street" or "Highway"** shall mean a common and public highway, street, avenue, parkway, driveway access, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

**"Third Party Advertisement"** shall mean an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- i) a candidate; or
- ii) a "yes" or "no" answer to a question referred to in subsection 8 (1), (2) or (3), of the Municipal Elections Act, 1996;

**"Township"** shall mean the Corporation of the Township of West Lincoln;

**"Voting Place"** shall mean a place where electors cast their ballots as approved by the Federal, Provincial, Regional or Municipal Election Official(s) and shall include the real property on which the voting place is located and adjacent road allowances; 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.

## 2.0 GENERAL PROHIBITIONS

- 2.1 No person shall place or permit to be placed an Election Sign except in accordance with this by-law.
- 2.2 No person shall place or permit to be placed an Election Sign that:
  - a) is illuminated;
  - b) has flashing lights or rotating parts;
  - c) does not contain the name and contact information of the Election Sign owner;
  - d) obstructs or interferes with the safe operation of vehicular traffic or the safety of pedestrians;
  - e) obstructs or interferes with the visibility of any traffic sign or device;
  - f) obstructs or impedes the Township of West Lincoln maintenance operations;
  - g) constitutes a danger or hazard to the general public.
- 2.3 The Municipal Clerk and/or a Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 2.4 A leasee or tenant of property may display an Election Sign as such conditions to reasonable size or type a landlord, building manager or Condominium Corporation deems appropriate.
- 2.5 No person shall deface or willfully cause damage to a lawfully erected election sign.
- 2.6 No person shall display on any election sign, a logo, trademark, official mark, or crest, in whole or in part, owned by the Township of West Lincoln.

## 3.0 TIME RESTRICTIONS

- 3.1 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.
- 3.2 No person shall place or permit to be placed an Election Sign for a Municipal Election earlier than 45 days prior to voting day.
- 3.3 Notwithstanding section 3.1 and 3.2 of this by-law, election signs may be erected at a campaign office once the candidate has filed his or her nomination papers

and paid the required filing fee. For the purpose of this section, a candidate may designate only one building or part thereof in the municipality as their campaign office at any one time and must advise the Clerk, in writing, of the address of the campaign office prior to erecting the signs authorized by this section.

- 3.4 An Owner shall remove their election sign(s) within seventy-two (72) hours immediately following 11:59 p.m. of the day of the election.

#### **4.0 ELECTION SIGNS ON PUBLIC PROPERTY**

- 4.1 No person shall place or permit to be placed an Election Sign on Public Property including:

- a) on a roadway;
- b) that impedes or obstructs the passage of pedestrians on a sidewalk;
- c) between a roadway and a sidewalk;
- d) in a median strip;
- e) in a sight triangle;
- f) less than 3 metres (9.84 feet) from a crosswalk;
- g) on any official sign or official sign structure;
- h) on a tree, post, pole, gate or fence located on public property owned and/or under the jurisdiction of the Township;
- i) on or overhanging any property owned and/or under the jurisdiction of the Township;
- j) on or within a vehicle parked within 50 metres (164 feet) of a voting place;
- k) on a utility pole or light standard.

- 4.2 Election candidates and/or registered third parties shall be responsible for compliance with the signage by-laws and regulations of The Regional Municipality of Niagara and Province of Ontario as the case may be.

#### **5.0 ELECTION SIGNS ON PRIVATE PROPERTY**

- 5.1 Election Signs may be placed in any zone within the Township subject to the provisions of this part of the by-law.

- 5.2 On lands zoned by the Township as residential or agricultural, election signs shall:

- (i) Be of a size not larger than 1.2 m<sup>2</sup> (12.9 sq. ft.) in sign area.
- (ii) Be limited to three (3) election signs per candidate per property.

- 5.3 On lands zoned by the Township other than residential or agricultural election signs shall:

- (i) Be a size not larger than 3.0 m<sup>2</sup> (32.3 sq. ft.) in sign area.
- (ii) Be limited to three (3) election signs per candidate per property.

- 5.4 Election Signs on billboards, campaign offices, or indoors shall not be limited by the provisions of Articles 5.2 and 5.3.

- 5.5 Election signs in the form of billboards or mobile signs shall be prohibited from being placed on lands zoned residential.

#### **6.0 REMOVAL AND RETURN OF ELECTION SIGNS - POWERS OF THE MUNICIPAL CLERK**

- 6.1 The Municipal Clerk and/or a Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

- 6.2 The Municipal Clerk or their designate may destroy or dispose of any Election Sign which has been removed and not claimed or retrieved by the Owner within ten (10) business days from it being removed by the Township.

- 6.3 If an Election Sign is removed in accordance with this by-law the candidate to whom the sign relates will be charged:

- \$25.00 per event to remove any sign(s) smaller than 0.41 m<sup>2</sup> (4.4 sq. ft.)
- \$50.00 per event to remove any sign(s) larger than 0.41 m<sup>2</sup> (4.4 sq. ft.).

**7.0 LIABILITY**

7.1 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 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 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 Corporation of the Township of West Lincoln, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any sign.

**8.0 ENFORCEMENT**

8.1 This By-law may be enforced by the Municipal Clerk and/or a Municipal Law Enforcement Officer.

**9.0 PENALTY**

9.1 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.

**10.0 FORCE AND EFFECT**

10.1 THAT, By-law No.2010-45 be and is hereby repealed.

10.2 THAT, this By-Law shall come into force and effect upon the date of passing.

10.3 That, By-law 2002-115 which confirms fees and charges for the Township of West Lincoln, be and is hereby amended to include the fees established in this by-law.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
23<sup>rd</sup> DAY OF APRIL, 2018.**

Original Signed

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**MAYOR DOUGLAS JOYNER**

Original Signed

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**CAROLYN LANGLEY, CLERK**