

BY-LAW NO. 2022-031

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO REGULATE ELECTION AND REGISTERED
THIRD PARTY ADVERTISER SIGNS WITHIN THE TOWNSHIP OF
UXBRIDGE AND TO REPEAL BY-LAW 2018-057**

WHEREAS subsection 11(3) paragraph 1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes the Corporation of the Township of Uxbridge to pass by-laws respecting highways over which it has jurisdiction; and,

AND WHEREAS subsection 11(3) paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes the Corporation of the Township of Uxbridge to pass by-laws respecting signs; and,

AND WHEREAS subsection 63(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes the Corporation of the Township of Uxbridge, if it passes a by-law for prohibiting or regulating the placing of an object on a Highway, to provide for the removal of any object placed on a Highway in contravention of that by-law; and,

WHEREAS Section 391(1) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws imposing fees or charges for services or activities provided;

AND WHEREAS subsection 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of the Corporation of the Township of Uxbridge is guilty of an offence; and,

AND WHEREAS Council has determined that it is necessary and in the public interest to regulate election signs;

NOW THEREFORE the Council of the Corporation of the Township of Uxbridge hereby enacts as follows:

1. Definitions

- a) **“Ballot Return Station”** means the place, established by the Municipal Clerk, where electors may return their marked ballot and shall include the entire property upon which the polling station is established, including any Highway that abuts the property. A “Ballot Return Station” also includes a voting place;
- b) **“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, or a building or portion of a building which is used by a Registered Third Party;
- c) **“Candidate”** means a person who has been nominated under the *Municipal Elections Act, 1996*, as amended;
- d) **“Election Sign”** means any Sign which:
 - (i) advertises, promotes, opposes, or takes a position with respect to any Candidate or political party in a federal, provincial, or municipal election or by-election, including an election of a local board or commission; or
 - (ii) is intended to influence electors to vote for or against an issue associated with a Candidate or political party in a federal, provincial or municipal election or by-election; or
 - (iii) is intended to influence electors to vote for or against any Candidate or any question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.

- e) **"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;
- f) **"Mobile Election Sign"** means 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 vehicle where the principle use of the vehicle is transportation of people, goods or other material;
- g) **"Municipal Clerk"** means the Municipal Clerk/Returning Officer of the Township of Uxbridge or his or her designate;
- h) **"Municipal Elections Act"** means the Ontario provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended;
- i) **"Officer"** means a municipal law enforcement officer appointed to enforce the By-laws of the Township or a police officer while in the course of his or her duties;
- j) **"Park"** includes any land or premises within the Township used for park or recreational purposes including but not limited to green spaces, trails, walkways, sports fields, water features, swimming pools, wooded areas and land covered by water and all portions thereof owned by, under the control of, or made available by lease, agreement, or otherwise to the Township, that is or hereafter may be established, dedicated, set apart or made available for use by the public including any park buildings, buildings, structures, facilities, erections and improvements located in or on such lands;
- k) **"Person"** means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession and includes a Candidate, his or her agent or any representative of a Candidate, or Registered Third Party;
- l) **"Place"** means to: attach, install, erect, build, construct, reconstruct, move, display or affix. "Placing" and "Placed" shall all have the same meaning;
- m) **"Private Property"** means land, with or without improvements so affixed to the land that is not a Highway or Public Property;
- n) **"Public Property"** includes highways, public parks, public utility poles, street lights, stop lights, and similar utilities and infrastructure located within a highway regardless of whether the item/utility/structure is owned by or under the control of the Municipality or any of its agencies, boards or commissions, and includes any lands belonging to or owned by any federal, provincial or regional authority or any of their agencies, boards or commissions;
- o) **"Public Utility Pole"** means a pole owned or controlled by an entity which provides a municipal, regional or public utility service, including but not limited to street lights and stop lights;
- p) **"Registered Third Party"** means any Person or entity, including but not limited to a corporation or trade union, who is not a Candidate, political party or constituency association who incurs expenses with respect to:
 - i) A question, law or by-law submitted to electors under the Canada Elections Act, the Election Act or the Municipal Elections Act;
 - ii) An issue associated with a Person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act; or,
 - iii) A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act.

- q) **“Sign”** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message and includes posters, billboards, advertising devices or notices;
- r) **“Third Party Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting, or opposing a Candidate in the election, or a “yes” or “no” answer to a question on the ballot under the Municipal Elections Act, as amended;
- s) **“Township”** means The Corporation of the Township of Uxbridge;
- t) **“Vehicle”** includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle; and
- u) **“Voting Day”** means the day on which the final vote is to be taken in an election or by-election.

2. General Provisions

- 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 for an Election or by-election until after the Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk, and in any event no earlier than 48 calendar days prior to Voting Day in the year of a regular Election or by-election.
- 2.3 No Candidate or Registered Third Party shall Place or caused to be Placed an Election Sign without obtaining an Election Sign permit and making payment of the prescribed Election Sign permit fee. The Election Sign permit shall be:
 - a. in a form prescribed by the Municipal Clerk; and,
 - b. accompanied by the prescribed Election Sign permit fee.
- 2.4 Election Signs Placed or permitted to be Placed by a Registered Third Party in a municipal Election shall include the following information required by the Municipal Elections Act:
 - a. the name of the Registered Third Party;
 - b. the municipality where the Registered Third Party is registered; and,
 - c. a telephone number, mailing address or email address to contact the Registered Third Party.
- 2.5 A Registered Third Party shall not Place or caused to be Placed an Election Sign to promote, support or oppose a Candidate before the Candidate has filed his or her nomination with the Municipal Clerk.
- 2.6 Despite subsection 2.2 and 2.3 an Election Sign may be placed on the face of the building used as a Campaign Office provided that:
 - a. the Election Sign complies with the provisions of the Township’s Sign By-law 2002-59, as amended; and,
 - b. the Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk.

3. Prohibitions

- 3.1 No Person shall pull down, move, remove, or alter a lawfully Placed Election Sign without;
- a. the consent of the Candidate to whom the Election Sign relates;
 - b. the consent of the Registered Third Party to whom the Election Sign relates; or,
 - c. the consent of the Owner or occupant of the property upon which the Election Sign is Placed.
- 3.2 No Person shall deface, or willfully cause damage to an Election Sign.
- 3.3 No Person shall Place or permit to be Placed an Election Sign on any Highway that:
- a. is illuminated, has flashing lights, or rotating parts;
 - b. interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
 - c. impedes or obstructs the Township's maintenance operations;
 - d. impedes a sidewalk or walkway;
 - e. is on a median or traffic island, central boulevard or a roundabout;
 - f. is greater than 0.6 metres in height within 20 metres of the curb or edge of the travelled portion of any intersecting Highway, private road, or driveway;
 - g. is less than 3 metres (9.9 feet) from a School Crossing or fire hydrant;
 - h. is located within 1 metre (3.3 feet) from the edge of a curb. Where there is no curb within 2 metres (6.6 feet) from the edge of the travelled portion of the Highway;
 - i. simulates any traffic Sign, traffic signal, any other Sign that directs the movement of pedestrian or vehicular traffic, or any other official Sign;
 - j. uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;
 - k. is affixed to Public Property, any Canada Post Mailbox or Public Utility Pole, including but not limited to, telephone poles, hydro poles, light standards or any other utility infrastructure;
 - l. is affixed to a planter, bench, waste receptacle, bus shelter, newspaper box, or mailbox;
 - m. is in a state of disrepair or is located where it is a general hazard to public safety;
 - n. is Placed on, painted on, attached to, or supported by a tree, stone or other natural object;
 - o. impedes, hinders or prevents the parking of vehicles on Private Property, Public Property, or on a Highway;
 - p. is on a boundary fence line or noise attenuation wall which is located on Public Property;
 - q. is on a trailer;

- r. is within 100 metres (333 feet) of an Election Sign for the same Candidate or Registered Third Party on the same side of a Highway;
 - s. is a Mobile Sign; or,
 - t. abuts the front or side lot line of a residential property without the consent of the owner or occupant of that property.
- 3.4 Despite Section 3.3 (r), two (2) Election Signs for the same Candidate may be Placed within 100 metres of each other on a Highway within 50 metres of an intersection provided they are Placed in accordance with all other provisions of this By-law.
- 3.5 No Person shall Place or permit to be Placed an Election Sign in a Park.
- 3.6 No Person shall Place or permit to be Placed an Election Sign on or in any property, building or structure that is owned, managed or otherwise under the legal control of the Township.
- 3.7 No Person shall Place or permit to be Placed an Election Sign on or in a Ballot Return Station, or that part of a Highway that is adjacent to a Ballot Return Station.
- 3.8 No Person shall enter onto a property that is owned, managed or otherwise under the legal control of the Township with any Vehicle that promotes, supports or opposes a Candidate or Third Party Advertisement by either Signs, vehicle wraps, or any other type of display advertising.
- 3.9 No Person shall park any Vehicle on any Highway adjacent, in front of or within 25 metres of any property line of a Ballot Return Station that promotes, supports or opposes a Candidate or Third Party Advertisement by either Signs, vehicle wraps, or any other type of display advertising.
- 3.10 No Person shall Place or permit to be Placed an Election Sign or Third Party Advertisement displaying a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the Township.
- 3.11 No Person shall Place or permit to be Placed an Election Sign or Third Party Advertisement that promotes, supports or opposes a Candidate outside the Candidate's ward boundary, where applicable.
- 3.12 Where rebar, or any type of reinforcing steel or metal are used to support an Election Sign, all ends, not including the end inserted into the ground, shall have high visibility safety caps installed that securely cover the exposed ends.

4. Election Sign Size

- 4.1 No Person shall Place or permit to be Placed an Election Sign on any Highway or Private Property that exceeds a height of 1.2 metres from the ground or has a width greater than 0.8 metres.
- 4.2 No Person shall Place or permit to be Placed an Election Sign on any Highway that has a total area of less than 0.32 square metres.

5. Private Property

- 5.1 Election Signs are permitted on Private Property, provided that:
- a. consent is given by the property owner, tenant or occupant of the property;
 - b. the number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party, unless the property abuts two (2) or more Highways, in which case the number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party multiplied by the number of abutting Highways;
 - c. the Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,

- d. no Election Sign is Placed so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust, nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to, emergency water connection or fire hydrants.

6. Removal of Election Signs

- 6.1 All Election Signs shall be removed within 72 hours after midnight on Voting Day.
- 6.2 Where an Election Sign has been Placed on Private Property, it is the responsibility of the owner or occupant of the property to ensure that the Election Sign(s) is removed within the required time frame.
- 6.3 Where an Election Sign has been Placed in contravention of any provision of this By-law, a Provincial Offences Officer or any other individual designated by the Municipal Clerk may cause the Election Sign to be removed immediately without notice or compensation and/or take any further action as provided within this By-law.
- 6.4 Election Signs that pose any risk to the health and safety of pedestrians, cyclists or motorists shall be removed without notice or compensation.
- 6.5 Where an Election Sign is Placed on Private Property in contravention of this By-law, an Officer may forward a notice, by personal service, telephone or regular post, to the registered owner of the property, or to the lessee or owner of the Election Sign, or their agents, or the Person or agent having the use of the major benefit of the Election Sign, requiring that the Election Sign be removed within the time specified in the notice and thereafter not replaced with any Election Sign in contravention of this By-law or to alter the Election Sign to comply with the By-law.
- 6.6 If a notice is not complied with, an Officer may require Township employees, or an independent contractor to enter land and remove an Election Sign at the expense of the owner thereof, the Person who permitted or caused the Election Sign to be Placed or by the owner of the land on which it is situated and the Township, or their agents shall not be liable to compensate such owner or other Person having an interest in the Election Sign for reason of anything done by or on behalf of the Township under the provisions of this By-law.
- 6.7 The Township may recover any expense incurred pursuant to Section 6.4, or 6.6 by adding the expense to the tax roll and collecting it in the same manner as taxes.
- 6.8 The Township shall store any Election Sign that has been removed until the 30th day following Voting Day. A Candidate, Registered Third Party, or any person acting on his or her behalf may, at any time following the Voting Day, retrieve the Election Sign at no cost. At any time after the 30th day following Voting Day, the Township may destroy or otherwise dispose of any Election Signs that have not been retrieved, without notice or compensation to any Person.

7. Enforcement

- 7.1 This By-law shall be enforced by an Officer or by any other person appointed by the Municipal Clerk for the purpose of enforcing this By-law.

8. Penalties and Offences

- 8.1 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than five thousand dollars (\$5000.00) for each offence as provided for the by Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 8.2 If a Sign has been Placed or displayed in contravention of this By-law, and the contravention has not been corrected, the contravention of provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 8.3 Where a Sign or Election Sign is Placed or displayed in contravention of this By-law, any Person named on the Sign or Election Sign shall be presumed to have

been the Person who placed the Sign or Election Sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

- 8.4 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by any Person, the Officer may require the name, address and proof of identity of that Person, and the Person shall supply the required information.
- 8.5 No Person shall provide false information or give a false statement to an Officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this By-law.
- 8.6 No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Township in the lawful exercise of a power or duty under this By-law.

9. Fees

- 9.1 Fees shall be paid in accordance with the Township Fee By-law 2020-146, as amended from time to time.
- 9.2 Election Sign permit fees are non-refundable.

10. Liability for Damages

- 10.1 No provision of this By-law shall be construed as relieving or limiting the responsibility or liability of any Person Placing or owning an Election Sign from personal injury or property damage resulting from the Placing of such Election 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 such Election Signs.

11. Administration

- 11.1 The Municipal Clerk is responsible for the administration of this By-law.

12. Force and Effect

- 12.1 By-law 2018-057, as amended, is repealed and replaced.
- 12.2 This By-law shall come into force and effect on the day it is passed.
- 12.3 Should any provisions contained herein conflict with any other by-law, the provision of this By-law shall apply.

13. Severability

- 13.1 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.

READ a FIRST, SECOND and THIRD time and finally passed this 28th day of March, 2022.

DAVE BARTON
MAYOR

DEBBIE LEROUX
CLERK

