

BY-LAW NO. 2018-057

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BEING A BY-LAW TO REGULATE ELECTION SIGNS AND REGISTERED THIRD PARTY ADVERTISEMENT SIGNS IN THE TOWNSHIP OF UXBRIDGE

WHEREAS paragraph 7 of subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 states that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge deemed it necessary to have a Municipal Election Sign By-law for the Township of Uxbridge to ensure public safety on roads and highways during a municipal election period and passed By-law No. 2010-021;

AND WHEREAS the Council of the Corporation of the Township of Uxbridge now deems it advisable to repeal said Municipal Election Sign By-law;

AND WHEREAS notice of the proposed by-law to regulate election and registered third party advertisement signs was published in accordance with the requirements of the Township of Uxbridge Public Notice Policy;

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

1. DEFINITIONS

- 1.1 **"Arterial Roads"** shall mean major routes in the network of roadways as defined in the Township of Uxbridge Official Plan, Schedule "A" and the Region of Durham Official Plan, Map B1. They connect industrial and commercial centres and concentrations of residential development. Examples of an arterial road would include Toronto Street South and Brock Street;
- 1.2 **"Boulevard"** shall mean that portion of a highway which may be paved, unpaved, grassed or landscaped with other materials between the Township property line and the curb line but does not include the sidewalk and any centre median strip or island separating two (2) roadways;
- 1.3 **"Campaign Office"** shall mean 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;
- 1.4 **"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 by-law submitted in accordance with the *Municipal Elections Act 1996*, as amended;
- 1.5 **"Council"** shall mean the Council of the Corporation of the Township of Uxbridge;
- 1.6 **"Daylighting Triangle"** shall mean the triangle space formed by intersecting street lines on a corner lot and a line drawn from one point on one of the street lines to a point on the other street line;
- 1.7 **"Election sign"** shall mean any;
 - i. sign advertising or promoting a candidate in a municipal election or by-election including an election for a local board or commission;

- ii. device advertising, advocating or discouraging the public from voting for a candidate or political party in an election or by-election; or
 - iii. object or item that uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to electors under section 8 of the Municipal Elections Act, 1996; but does not include any campaign literature or an item of apparel bearing the name or image of the candidate, unless it is worn or displayed at a voting place.
- 1.8 **“Erect”** shall mean and includes display, attach, affix, post, alter, construct, place, locate, install, relocate and maintain, and cause or permit to be displayed, attached, affixed, posted, altered, constructed, placed, located, installed, relocated and maintain;
- 1.9 **"Highway" and "Road"** shall mean a common and public highway or any part thereof, and include a street, bridge and any other structure incidental thereto or any part thereof;
- 1.10 **"Local Roads and Streets"** shall mean to provide access to properties. Trips on local roads have their origin or destination within the length of the road;
- 1.11 **"Mobile Sign"** shall mean any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place, and does include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people, goods or other materials;
- 1.12 **“Municipal Law Enforcement Officer”** shall mean a by law enforcement officer appointed by Council of The Corporation of the Township of Uxbridge for the purposes of enforcing Township bylaws;
- 1.13 **"Public Property"** shall mean property owned by or under the control of the Township of Uxbridge or any of its agencies, boards or commissions, including public highways, public parks, and shall be deemed to include Public Utility Poles, regardless of whether the poles are owned by or under the control of the Township;
- 1.14 **"Public Utility Pole"** shall mean a pole owned or controlled by an entity which provides a municipal, regional or public utility service, including street lights, stop lights, Bell Canada, Hydro and any subsidiaries thereof;
- 1.15 **“Registered third party”** shall mean any individual, corporation or trade union that causes an election campaign advertisement to appear. A Registered third party is required to register with the Clerk’s department of the municipality where they want to advertise;
- 1.16 **"Sign”** shall mean any device, including its structure or other component parts, which is used or is capable of being used to attract attention to a specific subject matter for identification, information or advertising purposes and includes, without limiting the generality of the foregoing, all banners, banner display systems and any Replacement Sign and will include Election signs and Third party advertisement signs for the purposes of this by-law;
- 1.17 **“Sign deposit”** shall mean fees paid to the Township to erect Election signs or Third party advertisement signs as referenced in Schedule A attached hereto;
- 1.18 **“Third party advertisement sign”** shall mean 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; **for the purposes of this by-law the definition only applies to signs;**
- 1.19 **“Township”** shall mean the Corporation of the Township of Uxbridge;

- 1.18 **"Voting Day"** shall mean the day on which the final vote is to be taken in a municipal election;
- 1.19 **"Voting Place"** shall mean the place where a ballot return station is established where electors may cast their ballot and shall include the entire property upon which the ballot return station is established.

2. References and Application

- 2.1 This By-law shall be read and interpreted in conjunction with the Township's Zoning By-law, as amended.
- 2.2 The owner of the lands or premises upon which any Election sign or Third party advertisement sign is located shall maintain such Election sign or Third party advertisement sign in a proper state of repair so that such sign does not become an unsafe or unsightly sign.
- 2.3 Where a conflict exists between the provisions of this by-law and any other by-law regulating signage within the Township of Uxbridge, the provisions of this by-law shall prevail.

3. General Provisions

- 3.1 No person shall erect an Election sign or Third party advertisement sign except as permitted by this by-law.
- 3.2 No person shall erect or otherwise use an Election Sign or Third party advertisement sign;
- a. on public property without first being registered with the Township as a Candidate or Registered third party; and
 - b. without first submitting a Sign deposit to the Township, as per Schedule A, which may be in the form of either cash or a cheque made payable to the Township of Uxbridge.
- 3.3 This Sign deposit will be refunded to the Candidate or Registered third party within 14 days after Voting Day, less any monies deducted for non-compliance with this by-law, as stated in Section 9.2 of this by-law.
- 3.4 No person shall erect an Election sign or Third party advertisement sign:
- a. on a tree or utility poles;
 - b. that has flashing lights or rotating parts, be illuminated or simulate any traffic control device;
 - c. that obstructs the view of any pedestrian or driver of a motor vehicle or the visibility of any traffic sign or device or be erected where it may interfere with vehicular traffic potentially endangering any person;
 - d. that constitutes a danger or hazard;
 - e. that impedes, hinders or prevents parking by vehicles on private or public lands or on a public highway or eliminate a public parking space required by law;
 - f. that impedes or hinders the view of a public highway or a railway crossing;
 - g. that is erected to any light standard, any official sign or structure, utility box, planter, bench, waste receptacle, newspaper box, or mail box on a boulevard.
- 3.5 Election signs and Third party advertisement signs can be erected on private property by or with the consent of the owner, occupant or leasee of such property.

- 3.6 No person shall at any time:
- a. erect an Election sign or Third party advertisement sign on any premises used as a Ballot Return Station being Town Hall when the 'Mail in Vote' alternative method of voting is used in the Township; or
 - b. erect an Election Sign or Third party advertisement sign in or on a vehicle parked on or adjacent to any premises used as a Ballot Return Station if the sign, poster or placard is visible.
- 3.7 No person shall erect any Election sign or Third party advertisement sign with the Corporation of the Township of Uxbridge logo, crest or seal.
- 3.8 No person shall deface or willfully cause damage to a lawfully erected Election sign or Third party advertisement sign.
- 3.9 No person shall erect a Mobile Sign for the purposes of an Election sign or Third party advertisement sign.

4. Election Signs or Third Party Advertisement Signs on Public Property

- 4.1 No person shall at any time erect an Election sign or Third party advertisement sign on any public property with the exception of a boulevard and Regional Roads.
- 4.2 Election or Third party advertisement signs may be erected on a boulevard, subject to the following:
- a. may only be erected within the Candidate's ward boundary were applicable.
 - b. where a road serves as a boundary between wards, a Candidates or a Registered third party may only erect Election signs or Third party advertisement signs on private property on the side of the road within their ward boundary. On municipal boundary roads, signs may only be erected on private property on the side of the road within the Municipality;
 - c. where a Regional Road serves as the boundary between wards, the provisions of the Region of Durham Sign By-law shall prevail;
 - d. no more than one sign per Candidate or Registered third party shall be erected on the public highway adjacent to any public park or other municipally-owned property;
 - e. the signs are no smaller than .32 square metres (3.4 square feet) - *(for example, 2 feet by 1.7 feet)*;
 - f. no sign shall exceed a height of 1.2 metres (3.94 feet) above the surface of the curb, shoulder or boulevard, as the case may be, or exceed a width of .8 metres (2.62 feet);
 - g. the signs are not located within 1 metre (3.3 feet) from the edge of a curb nor a sidewalk that abuts a curb;
 - f. on the shoulder of the road but not within 2 metres (6.6 feet) from the travelled portion of the roadway;
 - g. the signs are not erected on an arterial or collector roadway, within a daylighting triangle
 - h. the signs are not located on a bridge, overpass, median, island, central boulevard or sidewalk; and
 - i. the signs are not erected so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic.
- 4.3 No person shall erect an Election sign or Third party advertisement sign within three (3) meters of a fire hydrant.

5. Election Signs or Third Party Advertisement Signs Erected at Residential Premises and Condominiums

- 5.1 No landlord or person acting on behalf of the landlord shall prohibit a tenant from erecting an Election Sign or Third party advertisement sign on the premises to which the lease relates.
- 5.2 No condominium corporation or any of its agents may prohibit the owner or tenant of a condominium unit from erecting an Election Sign or Third party advertisement sign on the premises of their unit.
- 5.3 Notwithstanding sections 5.1 and 5.2, a landlord or condominium corporation or their agent may set reasonable conditions relating to the size or type of Election sign(s) or Third party advertisement sign(s) that may be erected on the premises and may prohibit the erection of Election signs or Third party advertisement sign in common areas of the building.

6. Content of Signs

- 6.1 All Election signs shall include:
 - a. name of Candidate
- 6.2 All Third party advertisement signs shall include:
 - a. name of the Registered third party;
 - b. the municipality where the Registered third party is registered; and telephone number, mailing address or email address at which the Registered third party may be contacted regarding the advertisement.

7. Timing

- 7.1 No person shall erect an Election sign or Third party advertisement sign more than forty-two (42) days prior to the election or by-election.
- 7.2. In order to prepare for the erection of Election signs or Third party advertisement signs, the Candidate, or Registered third party or their agent, has the right to make the required deposit with the Township at any time prior to Nomination Day, or afterwards.
- 7.3. Despite Section 7.1, Election signs and/or Third party advertisement signs may be erected at campaign offices once the Candidate or Registered third party has filed their nomination papers or registration and paid the required filing fee, when applicable.
- 7.4. All Election signs or Third party advertisement signs shall be removed no later than forty-eight (48) hours following the Voting Day of the election for which the signs were erected. For the purpose of this subsection, the Candidate or the Registered third party shall be responsible for the removal of their signs within the prescribed time frame of forty-eight (48) hours.

8. Administration

- 8.1. The Candidate or Registered third party to whom a sign relates shall be responsible for the erection of the sign and shall ensure that all the requirements of this by-law have been met;
 - a. A deposit in accordance with Schedule A is required before any Candidate or Registered third party shall erect a sign;
 - b. Subject to any deductions made under section 9 of this bylaw a Candidate and Registered third party are entitled to have their sign deposit refunded no later than 14 days after voting day;

- c. If an Election sign or Third party advertisement sign is removed in accordance with this by-law, the Candidate or Registered third party to whom the sign relates will be charged in accordance with Schedule A to be deducted from the refundable portion of the Sign deposit to cover the cost of removing the sign;
- d. If the costs incurred by the Township in removing a Candidate or Third party advertisement sign exceed the Sign deposit paid by the Candidate or Registered third party, the Township shall notify the Candidate or Registered third party who shall have five (5) days after the date of notice is received to pay the outstanding costs of removal at a cost in accordance with Schedule A.

9. Removal of Unlawful Election Signs or Third Party Advertisement Signs

- 9.1 If an Election sign or Third party advertisement sign is erected in violation of this by-law, a Municipal Law Enforcement Officer may cause the sign to be removed.
- 9.2 Any Election signs or Third party advertisement signs erected in violation of this by-law shall be removed under the direction of the Manager of By-law Services, or designate and any costs associated with this removal shall be deducted from the Sign deposit at a cost of \$20.00 per sign, as outlined in Schedule A.
- 9.3 Election signs or Third party advertisement signs removed in accordance with Section 9.2 of this by-law shall be retained by the Township for a period of 30 days during which time the owner of the said sign or the owner's agent may retrieve the sign.
- 9.4 Election signs or Third party advertisement signs removed by the Township of Uxbridge and stored for a period of 30 days may be destroyed or otherwise disposed of by the Township without notice and without compensation to the owner.

10. Penalties and Offences

- 10.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the *Provincial Offences Act*.
- 10.2. The provisions of this by-law may be enforced by:
 - a. A Municipal Law Enforcement Officer appointed by the Township.

11. Liability

- 11.1 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 for 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 such signs.

12. Severability

- 12.1 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.

13. Force and Effect

- 13.1 By-law No. 2010-021, as amended is hereby repealed and replaced.
- 13.2 This By-law shall come into force and effect on the day of enactment.

READ a FIRST, SECOND and THIRD time and finally passed this 23rd day of April, 2018.

Original signed by Deputy Mayor

PAT MOLLOY
DEPUTY MAYOR

Original signed by the Director of Legislative Services/Clerk
DEBBIE LEROUX
CLERK

Schedule A to By-law 2018-057

Type	Candidate	Deposit Required
<i>Sign Deposit:</i>	Mayor	\$300.00
	Regional Councillor	\$300
	Councillor	\$300
	Regional Chair	\$150
	Trustee	\$150
	Registered Third Party	\$150
<i>Sign Removal</i>		\$20.00 per sign