

THE CORPORATION OF THE TOWN OF TILLSONBURG

BY-LAW NUMBER 3786

A BY-LAW to regulate election signs in the Town of Tillsonburg.

WHEREAS Section 11(3) of the Municipal Act, 2001, as amended, permits municipalities to pass by-laws respecting structures, including fences and signs.

AND WHEREAS it is deemed advisable to have an Election Sign By-law for the Town of Tillsonburg in order to ensure public safety on our roads and highways during an election process.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TILLSONBURG ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law,

"**campaign sign**" (Election Sign) means any sign or other advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof;

(a) which advertises or promotes a Candidate in a federal, provincial or municipal election or by-election including an election of a local board or commissions;

(b) which 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;

"**candidate**" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person seeking to influence another person to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996;

"**Clerk**" means the Clerk of the Municipality;

"**Highway**" shall have the same meaning as the Highway Traffic Act, RSO 1990, c.H.8, as amended, and shall include a common and public highway, street, 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;

"**Municipal Law Enforcement Officer**" shall mean a person appointed by the Council of the Corporation of the Town of Tillsonburg for the purposes of enforcing Town by-laws and for the purposes of this by-law shall include the Ontario Provincial Police;

"**Parkway Strip**" means the portion of a Highway between the sidewalk and the roadway where the Highway includes a sidewalk and a roadway.

"**Polling Place**" means the physical building which will house the voting ballots, booths and boxes.

"**Public Property**" means property owned by or under the control of the Town of Tillsonburg or any of its agencies, boards or commissions, including public highways, and shall be deemed to include Public Utility Poles;

"**Public Utility Pole**" means a pole owned or controlled by an entity which provides a municipal or public utility service, including the Town, Bell Canada, Hydro and any subsidiaries thereof;

"**Road Allowance**" means the property owned by the municipality and may include the portion covered by asphalt, curbing, grass and concrete and includes the traveled road, the boulevard and the sidewalk.

"Roadway" means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a road allowance includes two or more separate roadways, the term "roadway" refers to any one roadway separately, and not to all of the roadways collectively;

"Sight Triangle" (visibility triangle) means on a corner lot or an entrance to a property within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres (29.5 feet) measured along the street line from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected. Such triangular space may hereinafter be called a "sight triangle"

ADMINISTRATION

1. The administration of this by-law is assigned to the Town Clerk.

GENERAL

3. (a) No person shall erect, attach, place or display an Election Sign except as permitted by this by law.
- (b) No permits are required by the Town for the erection of Election Signs in the Town.
- (c) This By-law shall not apply to signs erected, placed or displayed by the Town to provide information concerning the election or any part of an election process.
- (d) Elections Signs shall not:
 - (i) be attached to trees; or;
 - (ii) have flashing lights or rotating parts;
 - (iii) simulate any traffic sign, traffic signal, or any other sign that directs the movement of traffic, or any official sign;
 - (iv) use words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - (v) nail or otherwise attach, to or upon any utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box, or mail box located on a road allowance;
 - (vi) be painted on, attached to, or supported by a tree, stone or other natural object;
 - (vii) be erected or placed so as to obstruct, impede or interfere with any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust, or any means of access by fire fighters to any part of a building or a fire hydrant;
 - (viii) be erected or placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a Highway;
 - (ix) display the Town's logo, crest, or seal in whole or in part.
- (e) No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- (f) No person shall at any time on any election voting day, including those days when advance election voting is held, place a campaign sign, or cause a campaign sign to be placed within 30 metres (100 feet) of any polling place for elections or place or cause to be placed in or on a vehicle that is parked on any premises used as a voting place for elections an Election Sign that is visible from outside the vehicle.

ELECTION SIGNS ON PUBLIC PROPERTY

4. Election Signs are permitted on Highways but not on or within any Public Property other than Highways.
5. Election Signs shall not be located, erected or displayed:
 - (a) On any centre median, centre boulevard or traffic island;
 - (b) In any park or other open space owned, operated or controlled by the Town or on the adjacent Highway;
 - (c) On any building or structure owned or operated by the Town;
 - (d) So as to obstruct, impair, impede or hinder the movement of vehicular or pedestrian traffic, or the visibility of railway crossings, warning devices and traffic signs or signals; or
 - (e) On a sidewalk.
6. Election Signs may be erected or displayed on Highways, provided that they are:
 - (a) No larger than 2.0 square metres (21.53 square feet) (for example, 5 feet by 4 feet or 6 feet by 3.5 feet);
 - (b) No higher than 2 metres (6.56 feet) above ground level;
 - (c) Located a minimum of 1 metre (3.28 feet) from the outer edge of a sidewalk;
 - (d) Not located within any parkway strip;
 - (e) Located a minimum of 1 metre (3.28 feet) from the outer edge of a curb or shoulder, where there is no sidewalk;
 - (f) Not placed in a sight triangle;
 - (g) Not erected or installed so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic;
 - (h) Not erected or installed on any utility box, planter, bench railing, retaining wall, bridge, overpass, noise attenuation wall, light standard, waste receptacle, newspaper box, mail box, or similar object or structure which has been placed on any Highway; or
 - (i) Not erected or installed on any post, pole or support already containing an official or authorized sign erected by the Town, The County of Oxford, a Conservation Authority, or the Province of Ontario.
7. Election Signs may only be placed on a Highway adjacent to a residential property with the consent of the owner or occupant of the adjacent residential property.

ELECTION SIGNS ON PRIVATE PROPERTY

8. Election Signs are permitted on private property:
 - (a) Only with the consent of the owner or occupant of the property;
 - (b) Provided that the Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and

TIMING

9. Election Signs shall not be erected or displayed prior to nomination day in each year a Municipal Election is held or prior to nomination day in the event of a By-Election.
10. Election Signs shall not be erected or displayed for a Federal or Provincial Election until the day the writ of election is issued.
11. Despite Sections 8 and 9 Election Signs may be erected on campaign offices once the candidate has filed his/her nomination papers and paid the required filing fee.
12. Election Signs shall be removed within seven (7) days following the voting day of the election for which such Election Signs were erected or installed. For the purposes of this section, the Candidate shall be responsible for the removal of his or her Election Signs within the prescribed time frame.

REMOVAL OF UNLAWFUL ELECTION SIGNS

13. If a sign is erected or displayed in violation of this by-law, the appropriate Municipal Law Enforcement Officer may cause the sign to be removed:
 - (a) Immediately without notice if it poses an immediate safety hazard; or,
 - (b) If the Candidate or his/her delegate has not removed the sign within 24 hours after being so notified.
14. Any sign that has been removed by the Town will be stored until one week after the completion of voting on voting day.
15. Candidates, or an agent on their behalf, can reclaim all removed signs for up to one week following voting day, during regular office hours at the Town Works Office, Spruce Street, Tillsonburg.
16. Any sign that has been removed in accordance with Section 13 and not reclaimed in accordance with section 14 may be destroyed or otherwise disposed of by the Town without notice and without compensation to the owner of the sign.
17. Despite section 13 the Town shall not be obliged to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.

ENFORCEMENT

18. The Municipal Law Enforcement Officer shall enforce this by-law.

LIABILITY FOR DAMAGES

19. The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any Candidate or other person who erects or owns any Election Sign for 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.

PRECEDENCE OVER ELECTION SIGN PROVISIONS IN OTHER BY-LAWS

20. In the event of a conflict between this By-Law and the provisions of another By-Law regulating signs, including Election Signs, the provisions of this By-law prevail.

REPEAL

21. THAT By-Law No. 3206 is hereby repealed in its entirety.

EFFECTIVE DATE

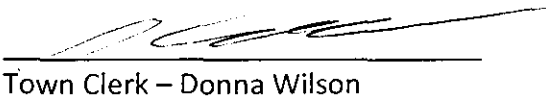
22. THAT this By-Law shall take effect on the date of its final passage by the Town's Council.

READ A FIRST AND SECOND TIME THIS 13th DAY OF JANUARY, 2014.

READ A THIRD AND FINAL TIME AND PASSED THIS 13th DAY OF JANUARY, 2014



Mayor – John Lessif



Town Clerk – Donna Wilson