

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2006-071

Being a By-law to Regulate Election Signs in the Township of Seguin and to Amend By-law No. 99-50, Being a By-law to Regulate the Size, Use, Location and Maintenance of Signs and Advertising Devices within the Township of Seguin.

WHEREAS Section 11 (1) of the Municipal Act, 2001, S.O. 2001, as amended, states that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Section 99 (1) of the Municipal Act, 2001, S.O. 2001, as amended, states that the municipality shall give notice of its intention to pass the by-law;

AND WHEREAS Notice of the proposed by-law regarding election signs has been provided in accordance with The Corporation of the Township of Seguin By-law No. 2003-03, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice under the Municipal Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEGUIN ENACTS AS FOLLOWS:

Definitions

- 1.1 "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.
- 1.2 "Daylighting Triangle" means on a corner lot, 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 (29.53 feet) measured along the street line from the point of intersection of the street lines.
- 1.3 "Election Sign" means any sign:
 - (a) advertising or promoting a candidate in a federal, provincial or municipal election or by-election;
 - (b) or other advertising device, including without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof, which promote or relate to any federal, provincial or municipal election, including an election of a local board or commission;
 - (c) or 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.
- 1.4 "Highway" shall have the same meaning as the Highway Traffic Act, RSO 1990 c.H.8, and includes a common and public highway, street, roadway, avenue, gate, alley, court, crescent, boulevard, lane, trail, way, chase, road, drive, circle, mews, line, sideroad, parkway, 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;
- 1.5 "Mobile Sign" means 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, 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;

- 1.6 "Municipal Law Enforcement Officer" shall mean a person appointed by the Council of The Corporation of the Township of Seguin for the purposes of enforcing municipal by-laws;
- 1.7 "Public Property" means property owned by or under the control of the Township of Seguin or any of its agencies, boards or commissions, including public highways, and shall be deemed to include Public Utility Poles.
- 1.8 "Public Utility Pole" means a pole owned or controlled by an entity which provides a municipal or public utility service, including street lights, stop light, Bell Canada, Hydro One and any subsidiaries thereof.

General

- 2.1 No person shall erect, attach, place or display an Election Sign except as permitted by this by-law.
- 2.2 No permits are required by the Township of Seguin for the erection of Election Signs in the Township.
- 2.3 Election Signs shall not be:
- (a) attached to trees;
 - (b) have flashing lights or rotating parts;
 - (c) illuminated; or
 - (d) simulate any traffic control device.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 2.5 No person shall at any time on any election voting day, including those days when advance election voting is held:
- (a) place an Election Sign, or cause an Election Sign to be placed on any premises used as a polling place for elections; and
 - (b) place or caused to be placed an Election Sign, poster or placard in or on a vehicle that is parked on any premises used as a polling place for elections if the sign, poster or placard is visible.
- 2.6 No person shall display the Township of Seguin logo, crest or seal in whole or in part, on any Election Sign.
- 2.7 Mobile Signs are not permitted.
- 2.8 Election Signs shall only be erected or installed on private property by or with the consent of the owner or occupant of such property.

Election Signs on Public Property

- 3.1 No person shall at any time place an Election Sign, or cause an Election Sign to be placed, on any maintained municipally owned property or municipally owned road allowance adjacent to said property, with the exception of property used for waste transfer purposes. Election Signs are not permitted on municipally owned waste transfer equipment.
- 3.2 Election Signs may be placed or displayed on non-maintained municipally owned property provided the Election Signs are no larger than 1.5 square metres (16.15 square feet).
- 3.3 Election Signs may be erected or displayed on municipal public highways, including municipal road allowances, if:
- (a) the signs are no larger than 1.5 square metres (16.15 square feet);
 - (b) the signs are no higher than 2 metres (6.56 feet) above ground level;
 - (c) the signs are not located within 1 metre (3.28 feet) from the edge of a curb, a sidewalk that abuts a curb or a shoulder of a highway;

- (d) the signs are not placed in a daylighting triangle (9 metres or 29.523 feet) from the point of intersection of the street lines;
- (e) the signs are not located on a bridge, overpass, median, island, central boulevard or sidewalk; and
- (f) the signs are not erected or installed so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic.

3.4 Despite the provisions of this or any other by-law, no person shall attach an Election Sign to a Public Utility Pole, light standard, any Township sign or Township sign structure, utility box, planter, bench, waste receptacle, newspaper box, or mail box on a road allowance.

Timing

- 4.1 Election Signs shall not be erected or displayed for a federal or provincial election until the day that the writ of election is issued.
- 4.2 Election Signs may be erected on campaign offices once the candidate has filed his or her nomination papers and paid the required filing fee.
- 4.3 All Election Signs shall be removed no later than five (5) days following the voting day of the election for which the signs were erected or installed. For the purpose of this subsection, the candidate shall be responsible for the removal of his or her Election Signs within the prescribed time frame.

Removal of Unlawful Election Signs

- 5.1 If an Election Sign is erected or displayed in violation of this by-law, the Clerk shall cause the sign to be removed, stored and the Candidate notified. If the Candidate has not claimed the sign within 30 days of notification, the sign may be disposed of by the Clerk.
- 5.2 Any Election Signs erected or installed in violation of this by-law shall be removed under the direction of the Clerk.

Penalty

- 6.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to the penalties specified by the Provincial Offences Act, R.S.O. 1990, cP.33, as amended.

Liability for Damages

- 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 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.

Precedence Over Election Sign Provisions in Other By-laws

- 8.1 In the event of a conflict between this by-law and the provisions of another Township by-law regulating signs, including Election Signs, the provisions of this by-law shall prevail.

Effective Date

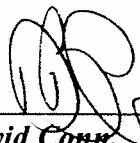
- 9.1 This by-law shall take effect on the date of passage by Council.

Amendment to By-law No. 99-50:

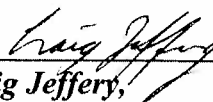
10.1 By-law No. 99-50 is hereby amended by adding the following Subsection to SECTION 1 GENERAL PROVISIONS:

“1.2 Election Signs as defined in By-law No. 2006-071 are exempt from this by-law.”.

READ a FIRST, SECOND and THIRD TIME, ENACTED and PASSED, this 1st day of May, 2006.



David Conn,
Mayor



Craig Jeffery,
Clerk

