

**CORPORATION OF THE TOWN OF PLYMPTON-WYOMING**

**BY-LAW NUMBER 52 OF 2022**

**Being a By-law to Regulate Election Campaign Signs in the Town of Plympton-Wyoming**

**WHEREAS** Section 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** Section 8(1) of the Municipal Act, 2001, as amended, provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to:

- a) enable municipalities to govern their affairs as they consider appropriate and
- b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 11(3) of the Municipal Act, 2001, as amended, provides that a municipality may pass by-laws respecting: highways, including parking and traffic on highways and structures, including fences and signs;

**AND WHEREAS** Section 63(1) of the Municipal Act, 2001, as amended, 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 of any object placed or standing on or near a highway;

**AND WHEREAS** Section 425 of the Municipal Act, 2001, as amended, establishes that any person who contravenes any by-law of the municipality passed under the Act, is guilty of an offence;

**AND WHEREAS** Section 446 of the Municipal Act, 2001, as amended, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense , and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** Section 88.3 of the Municipal Elections Act, 1996, as amended sets out requirements for Candidates' election campaign advertisements;

**AND WHEREAS** the Corporation of the Town of Plympton-Wyoming deems it necessary to enact regulations to:

1. Achieve clarity of the position and consistency of approach for the placement of election signs and election campaign advertisements within the jurisdiction of the Corporation of the Town of Plympton-Wyoming;
2. Enable the issue to be applied consistently and equitably to all candidates and third party advertisers;
3. Minimize any threat to public safety from the placement of election signs;

**NOW THEREFORE** the Council of The Corporation of the Town of Plympton-Wyoming hereby enacts as follows:

## 1. Definitions

- 1.1. 'Billboard' means 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.
- 1.2. 'Boulevard' means that portion of every roadway which is not used as a sidewalk, driveway access, travelled roadway but is owned by the road authority.
- 1.3. 'Campaign Advertisement' means an advertisement in any broadcast, print, electronic form or other medium purchased by or under the direction of a candidate or third party.
- 1.4. '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.
- 1.5. 'Candidate' means a person who is running or has expressed an intention to run in a municipal, provincial or federal election and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any questions or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996, as amended.
- 1.6. 'Election Day' means the day set out as Municipal Election Day in a Municipal Election year being the fourth Monday in October.
- 1.7. 'Election Sign' means any sign:
  - a. advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission; or
  - b. intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under Section 8 of the Municipal Elections Act, 1996, as amended.
- 1.8. 'Electoral District' means a geographic area represented by a Member of Municipal Council, Member of School Board, Member of Provincial Parliament in the Legislative Assembly of Ontario, and Member of Federal Parliament in the House of Commons.
- 1.9. 'Nomination Day' means the deadline to file a nomination with the Town Clerk under the Municipal Elections Act, 1996, as amended.
- 1.10. 'Officer' means a Municipal Law Enforcement Officer/By-law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the Town of Plympton-Wyoming or designate, Provincial Offences Officer or other duly appointed individual.
- 1.11. 'Premises' means parking lot(s), adjoining fences and road allowances.
- 1.12. 'Public Utility Facility' means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a Town or public utility service, including but not limited to the Town, Bell Canada, Enbridge Consumers Gas, Hydro One, and any subsidiaries thereof.

- 1.13. 'Roadway' means the part of a street, road, or drive that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder.
- 1.14. 'Sidewalk' means any Town walkway, or that portion of a street between the roadway and the adjacent property line, primarily intended for the use of pedestrians.
- 1.15. 'Sight Triangle' means, in all zones, on a corner lot, no election sign shall be erected in such a manner as to materially impede vision above a height of 0.5 metres (1.64 feet) above the centreline grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines a distance of 7.5 metres (24.61 feet) back from the point of intersection of the said street lines.
- 1.16. 'Sign Height' means the vertical distance measured from the highest point of the sign to grade and includes any support structure.
- 1.17. 'Third Party Advertiser' means any registered person or entity, including but not limited to a corporation or trade union whom is registered with the municipality in accordance with prescribed legislation and is not a registered candidate, political party or constituency association who incurs expenses with respect to:
  - a. a question, law or by-law submitted to the electors;
  - b. an issue associated with a person or political party participating in an election; or
  - c. a candidate or political party participating in an election under the Canada Elections Act, The Elections Act, or the Municipal Elections Act.
- 1.18. 'Town Official Sign' means a sign placed by the Town to control and regulate the movement of vehicles and pedestrians, signs posted by the Town includes a sign approved by the Ministry of Transportation Ontario, and signs described in the Highway Traffic Act.
- 1.19. 'Town' means the Corporation of the Town of Plympton-Wyoming.
- 1.20. 'Town Property' means property owned by or under the control of the Town of Plympton-Wyoming or any of its agencies, boards or commissions, including roadways, boulevards and road allowances, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include municipal garbage containers or other structures, located on a roadway regardless of whether containers or structures are owned by the Town. Property owned by the Town and leased to another person or entity shall not be deemed to be public property.
- 1.21. 'Trailer' means a vehicle or device that is intended to at any time be drawn, temporarily drawn, or moved upon a roadway by a motor vehicle and for the purposes of this by-law include but not limited to a wagon, implement of husbandry, trailer designed for recreational purposes or commercially registered vehicle or trailer.
- 1.22. 'Vehicle' includes any means of transportation driven by any kind of power including muscular power.
- 1.23. 'Voter Help Centre' means a location provided by the Town of Plympton-Wyoming to assist electors with the voting process or general election inquiries.

- 1.24. 'Voting Place' means a place where citizens cast their ballots and shall include the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises:
- a. Notwithstanding the above, individual units, and their doors, windows, balconies, etc., shall not be deemed to be common elements on private premises.
- 1.25. 'Writ of Election' means the date as defined in the Canada Elections Act and the Elections Act (Ontario)

## **2. General Provisions**

- 2.1. No candidate, his agent, third party advertiser or any other person shall affix, erect or otherwise display an election sign except as permitted by this by-law.
- 2.2. No candidate, his agent, third party advertiser or any other person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:
- a. on or overhanging Town property, including Town park or a facility that is owned or operated by the Town;
  - b. on a utility pole or light standard or other utility structure;
  - c. which includes electronic display that incorporates in any illumination, flashing, moving illumination or animation which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description or have rotating parts or be inflatable or be motorized;
  - d. on any Town logo, Town official sign or Town official sign structure
  - e. in a location that would, by reason of size, location, or illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public roadways or which are located in a sight triangle;
  - f. which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic;
  - g. on a tree, stone, pole, or other natural object or on a boundary fence or safety rail;
  - h. at a voting place or voter help centre;
  - i. on or within a vehicle or trailer parked within 50 metres of a voting place;
  - j. in a location where the election sign;
    - 1. obstructs or impedes any required fire escape, fire exit, fire route, door window, etc., or so as to prevent or impede access of firefighters to any part of a building;
    - 2. constitutes a danger or hazard to the general public;
  - k. No person shall place a campaign sign, or cause a campaign sign to be placed, on a road allowance if the sign or any portion thereof is:
    - 1. on or over the roadway or a sidewalk;
    - 2. closer than 2 metres to the edge of the roadway;
    - 3. within a sight triangle at the intersection of two roadways;
    - 4. where a road allowance includes a sidewalk adjacent to a roadway, on the portion of the road allowance between the sidewalk and the roadway; and
    - 5. where a road allowance includes two or more separate roadways, on the portion of the road allowance between each roadway.
    - 6. advertising a candidate running in a different jurisdiction,

namely, advertising on the wrong side of a boundary line roadway.

- 2.3. The candidate to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this by-law have been met.
- 2.4. No person shall put down or remove a lawfully erected election sign on private property without the consent of the candidate to whom the sign related or the owner of the property on which the sign is erected.
- 2.5. No person shall deface or wilfully cause damage to a lawfully erected election sign.
- 2.6. No person shall place an election sign in such a position that such sign would contravene any other applicable legislation.
- 2.7. No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Town.

### **3. Election Signs on Private Property**

- 3.1. Election signs may be erected or displayed on private property if:
  - a. The signs are no larger than 0.914 metres by 0.914 metres (3 feet by 3 feet) and the sign height is no higher than 2 metres (6.56 feet) above ground level, save and except signs on campaigning offices, billboards and signs displayed indoors;
  - b. The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
  - c. The signs are erected with the consent of the owner or tenant of the property.
- 3.2. No more than two (2) election signs per candidate are permitted on any one (1) piece of land zoned residential.
- 3.3. No more than three (3) election signs per candidate are permitted on any one (1) piece of land zoned other than residential.
- 3.4. No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed that is illuminated except an election sign promoting a candidate on a campaign office or a billboard.

### **4. Timing**

- 4.1. No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed for a federal or provincial election or by-election other than the day of the writ of election or by-election is issued.
- 4.2. No person shall affix, erect or otherwise display an election sign or permit an election sign to be erected, affixed, or otherwise displayed for a municipal election until the Monday after Nomination day when all candidates have been certified and have filed all required documents and paid the required fee to the Clerk. This includes election signs to be affixed, erected or otherwise displayed on a Campaign Office.

### **5. Notice of Removal and Disposal**

- 5.1. The Town Clerk or any other individual designated by the Clerk through Section 9 of this By-law may remove an election sign erected in contravention of this by-law without notice.
- 5.2. Upon removal of election signs, the Clerk will make efforts to contact the candidate or third party advertiser to collect the signs at a designated location.
- 5.3. All election signs shall be removed within seventy-two (72) hours, three (3) days, immediately following 11:59 p.m. of the day of the election. If an election sign is not removed within the required timeframe, the Town reserves the right to remove the sign without any further notice to the candidate.
- 5.4. The Town reserves the right to dispose of any election sign that has been removed, as per sections 5.1, 5.2, and 5.3 above, and not claimed and retrieved by the candidate, persons, or owner. The election sign will be disposed of within seven (7) days following the removal of the sign by the Town.

## **6. Liability**

- 6.1. 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 of willful acts or such person, of 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 Town of Plympton-Wyoming, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any sign.

## **7. Other Laws**

- 7.1. Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws which regulate signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner.

## **8. Administration**

- 8.1. The administration of this by-law is delegated to the Town Clerk or his/her designate.

## **9. Enforcement**

- 9.1. This by-law may be enforced by:
  - a. Town Clerk or his/her designate
  - b. Director of Public Works or his/her designate
  - c. By-law Enforcement Officer or his/her designate
  - d. Police

## **10. Offence and Penalty**

- 10.1. 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, 1990, as amended.

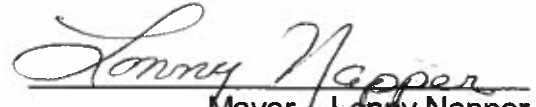
**11. Repeal**

11.1. That all other by-laws or parts of by-law inconsistent with this by-law are hereby repealed.

**12. Short Title of By-law**

12.1. This by-law may be referred to as the "Election Sign By-law".

READ a first time, and taken as having been read a second and third time this 30th day of March, 2022.

  
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Mayor - Lonny Napper

  
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Clerk - Erin Kwarciak