

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2022-02

BEING A BY-LAW TO REGULATE THE PLACEMENT AND USE OF ELECTION
SIGNS

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 99, provides that a municipality may pass a By-law to prohibit and regulate the erection of signs and other advertising devices;

AND WHEREAS it is deemed expedient to enact a By-law to regulate the use and placement election signs;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

“Election Sign” shall mean any sign advertising, promoting or opposing the election of a candidate or political party for public office in a federal, provincial, school board or municipal election, or a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Elections Act* (Ontario), or the *Municipal Elections Act, 1996*, and includes sign advertising of registered third party advertisers.

“Candidate” shall mean a person officially nominated as a candidate for a municipal election.

“Clerk” shall mean the Municipal Clerk or their designate as appointed by the Council of the Corporation of the Township of Severn.

“Highway” shall mean 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.

“Municipal Law Enforcement Officer” shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Severn.

“Public Property” shall mean real property owned by or under the control of the Township of Severn, including parks, libraries, community centres, trails and operational buildings.

“Registered Third Party Advertiser” shall mean an individual, corporation or trade union that is registered in accordance with the *Municipal Elections Act*.

“School Board” shall mean the English Public, French Public, English Catholic and French Catholic School Boards having authority within the County of Simcoe.

“Township” shall mean the Corporation of the Township of Severn.

2. General Provisions

2.1 Election signs shall not be erected more than 60 days prior to Election Day, 45 days prior to Election Day in the case of a by-election, or prior to the day that a federal or provincial election period commences.

2.2 Only candidates, registered third party advertisers or their agents are permitted to erect election signs.

2.3 No person shall place an election sign on public property.

- 2.4 No person shall erect an election sign on highways fronting or adjacent to any property owned and operated by the Township including offices, facilities, library, fire stations, parks, trails and community centres.
- 2.5 No person shall place an election sign within 150 feet of or adjacent to any property designated as a Voting Station for the municipal election.
- 2.6 No person shall place or allow to be placed any election sign, poster or placard in or on a vehicle, trailer or mobile device that is located within 150 feet of any property designated as a Voting Station for the municipal election.
- 2.7 No person shall place an election sign on a highway that impedes or obstructs a sight triangle or the passage of pedestrians on a sidewalk.
- 2.8 No person shall place an election sign between a sidewalk and a highway.
- 2.9 No person shall place an election sign on a tree, fence or gate location on public property or a highway. Election signs shall not be nailed or otherwise attached to or upon any utility pole, light pole, flag pole, utility box, tree, planter, bench, bridge, waste receptacle, newspaper box, mail box or any like structure.
- 2.10 No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Township.
- 2.11 Election signs shall not be affixed to a permanent or official highway sign or support, guardrail or other roadway structure or facility and must not be situated so as to interfere with the safe operation of vehicular or pedestrian traffic.
- 2.12 No election sign shall be placed that obstruct openings required for light, ventilation, ingress, egress or fire or medical emergencies.
- 2.13 No election sign shall be placed in the Township of Severn for a candidate in another jurisdiction. No election sign shall be posted outside of the jurisdiction or ward of the position for which the candidate is registered.
- 2.14 It is the responsibility of the candidates and registered third party advertisers to ensure compliance with this By-law and all other applicable legislation.
- 2.15 Election signs shall not be erected within the boundaries of the Township of Severn from another neighbouring municipality.

3. Private Property

- 3.1 Election signs may be erected on private property subject to the following conditions:
 - a) Election signs shall not be erected more than 60 days prior to Election Day, 45 days prior to Election Day in the case of a by-election, or prior to the day a federal or provincial election period commences.
 - b) Election signs shall be erected only with the consent of the respective property owner(s).

4. Mandatory Information on Election Signs & Advertisements (Municipal and School Board Elections only)

- 4.1 All parties, including candidates, shall comply with the sign and advertisement requirements as set out in the *Municipal Elections Act*.

- 4.2 All election signs and advertisements purchased by or under the direction of a candidate shall identify the candidate.
- 4.3 All third party election signs and advertisements shall contain the following information:
- 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 e-mail address at which the registered third party may be contacted regarding the advertisement.
5. Deposit (Municipal and School Board Elections only)
- 5.1 A sign deposit in the amount of \$200.00 is due and payable from each candidate or registered third party at the time of the filing of nomination papers or registration prior to any signs being erected for the municipal election.
- 5.2 The sign deposit will be refunded to the candidate or third party advertiser upon satisfactory removal of all election signs in accordance with this By-law, less any deposit amount retained due to non-compliance with the provisions of this By-law and Section 5.4.
- 5.3 The Clerk's decision to retain the deposit, or any portion thereof, for non-compliance with this By-law shall be final and not subject to review.
- 5.4 Election signs removed by the Township are subject to the sign deposit being retained by the municipality as follows:
- a) 1st sign removed \$25.00 is taken from deposit,
 - b) 2nd sign removed an additional \$35.00 is taken from deposit,
 - c) 3rd sign removed the balance of the deposit is retained by the municipality
6. Removal of Signs
- 6.1 All election signs shall be removed from public and private property within forty-eight (48) hours after Election Day.
- 6.2 Failure to remove the election signs will result in the candidate or registered third party waiving their right to a refund of the deposit.
7. Unlawful Removal
- No person shall remove, deface or cause damage to any election sign lawfully erected in accordance with this By-law without the candidate's, registered third party's or property owner's consent.
8. Enforcement
- 8.1 When there are reasonable and probable grounds to believe that an election sign has been placed, erected or installed in contravention of the provisions of this By-law the Clerk may notify the candidate, registered third party or their agent advising of the non-compliance and requiring the necessary actions on behalf of the candidate or registered third party to ensure compliance with the provisions of this By-law.
- 8.2 The Clerk may cause the election sign to be immediately removed without notice, depending on the circumstances. If an election sign is removed by the Township, the Clerk shall give notice to the candidate, registered third party or their agent that the sign has been removed and Sections 5.4 and 8.3 herein shall apply.

- 8.3 The Township may destroy any election sign which has been removed and is not claimed and retrieved by the candidate, registered third party or their agent within six (6) days following the removal, without compensation to the candidate, registered third party or their agent.
- 8.4 Every person who contravenes any provision of this By-law shall be guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
- 8.5 Fines shall be issued on a per sign basis and each sign erected in contravention of any section of this By-law shall be fined as an individual and separate offence.

9. Other Laws

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.

- 10. That this By-law shall come into force and effect on the date of passing thereof.
- 11. That By-law No. 2018-72 be and it is hereby repealed.

By-law read a first, second, third time and finally passed this 2nd day of February, 2022 2021.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK

SCHEDULE "A" TO BY-LAW NO. 2022-xx

ELECTION SIGNS DEPOSIT

**DEPOSIT FOR ERECTION OF
MUNICIPAL ELECTION OR ADVERTISING SIGNS
WITHIN THE TOWNSHIP OF SEVERN**

Please complete the form below and return it with your payment of \$200.00 to the Township of Severn.

CANDIDATE OR REGISTERED THIRD PARTY

ADDRESS: _____

_____ POSTAL CODE: _____

E-MAIL: _____

PHONE: _____

I, the undersigned, do hereby acknowledge that I have received and read a copy of the Township of Severn Municipal Elections Sign By-law and agree to the conditions contained therein. I understand that any contravention to the By-law may result in the waiver of this deposit.

Upon satisfactory removal of all municipal elections or advertising signs by a candidate or third party advertiser from public and private property within forty-eight (48) hours after Election Day, this deposit will be returned in a timely manner.

Candidate's / Third Party Signature

Date

Deposit Received	Refund Returned
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Default and Waiver of Deposit Due To *(please explain)*:

Clerk/Designate

Date