



**The Corporation of Norfolk County
By-Law 2022-XX**

Being a By-Law to regulate election signs in Norfolk County.

WHEREAS Section 10(2) of the Municipal Act, 2001, S.O. 2001, Chapter 25 as amended, states that the municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS section 429 of the Act provides that a municipality may establish a system of fines for offences under a By-Law of the municipality passed under that Act;

AND WHEREAS it is necessary to have an Election Sign By-Law for Norfolk County to ensure public safety on County roads and highways during an election process;

AND WHEREAS The Corporation of Norfolk County deems it expedient to pass a By-law to regulate the placement of election signs for federal, provincial and municipal elections and by-elections;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:

PART 1— 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 other persons 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 "Election Sign" shall mean any sign:
- a) Advertising or promoting a candidate in a federal, provincial or municipal elections or by-election;
 - b) That uses words, pictures or graphics or any combination thereof intended to influence person to vote for or against any question or by-law submitted to the electors under Section 8 of the *Municipal Elections Act, 1996*;
- 1.3 "Highway" shall have the same meaning as the *Highway Traffic Act, RSO 1990, c. H.* and includes 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;
- 1.4 "Mobile Sign" shall mean any sign mounted on a trailer or other freestanding structure, which is designed in such a matter 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;
- 1.5 "Municipal Law Enforcement Officer" shall mean a person appointed by the Council of The Corporation of Norfolk County for the purposes of enforcing County bylaws and for the purposes of this by-law shall include the Ontario Provincial Police.
- 1.6 "Owner" shall mean the registered owner of a property or his/her agent and, in the case of a condominium, shall mean the corporation or a person authorized to act on behalf of the corporation.
- 1.7 "Portable Sign" shall mean a temporary advertising device and includes any and all signs Constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign or Pedestal Sign.
- 1.8 "Public Property" shall mean property owned by or under the control of Norfolk County or any of its agencies, boards or commissions, including public highways, and shall be deemed to include Public Utility Poles, regardless of whether the poles are owned by or under the control of the County;
- 1.9 "Public Utility Pole" shall mean a pole owned or controlled by an entity which provides a municipal or public utility service, including the County, Bell Canada, Hydro and any subsidiaries thereof

1.10 "Third Party Advertiser" shall mean:

(a) in the case of a federal or provincial election, a person, entity or group, other than a registered party, registered association, candidate or nomination contestant, that conducts election advertising.

(b) In the case of Norfolk County municipal election, an individual, corporation or trade union that is a registered third party pursuant to section 88.6 of the *Municipal Elections Act*, 1996, as amended.

1.11 "Urban Area" shall mean urban area as defined in the Official Plan of Norfolk County.

1.12 "Vehicle Election Sign" shall mean an election sign as defined in Section 1.2 which is displayed on a vehicle and includes a sign painted or otherwise exhibited on a vehicle or a sign displayed on shrink wrapping placed over a vehicle.

1.13 "Visibility Triangle" shall mean a triangular area formed within a lot by:

(a) intersecting streets and a straight line connecting them 9.0 m (29.5 ft.) from their point of intersection;

(b) the intersection of a street and any portion of a driveway within 5.0 m (16.4 ft.) of property line and a straight line connecting them 5.0 m (16.4 ft.) from their point of intersection; or

(c) the intersection of an alley and a street, or two alleys and a straight line connecting them 5.0m (16.4 ft.) from their point of intersection.

1.14 "Voting Place" shall mean a place where electors cast their ballots and:

(a) When a Voting Place is located on Public Property, includes all of the area enclosed by the lot lines of the Public Property and any Highway abutting; or

(b) When a Voting Place is located on Private Property, includes all of the common elements of the Private Property and any Highway immediately abutting; and

PART 2- GENERAL

2.1 No person shall erect, attach, place or display an Election Sign except as permitted by this by-law.

2.2 Elections Signs shall not:

a) be attached to trees; or

b) have flashing lights or rotating parts.

2.3 No person shall place or permit to be placed an Election Sign in any ward that they are not officially nominated or registered in.

2.4 No person shall deface or willfully cause damage to a lawfully erected Election Sign.

2.5 No permits are required by Norfolk County for the erection of Election Signs in the County.

2.6 No person shall erect an election sign, poster or placard that refers to an election

a) within 100 metres of a Voting Place, unless such land is a residential private property;

b) within a building or within visibility of the entrance to a building in which there is a Voting Place; or

c) on a vehicle that is parked within visibility of the entrance to a building in which there is a Voting Place.

2.7 No person shall display the Norfolk County logo or seal in whole or in part, on any Election Sign.

PART 3 - 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, in any public park or on any property owned or occupied by Norfolk County with the exception of public highways subject to the regulations as outlined in Part 3 of this bylaw.

3.2 Election Signs may be erected or displayed on public highways, including municipal road allowances, if

a) the signs are not illuminated;

b) the signs are no larger than 2.9 square metres (32 square feet) in area and no higher than 2 metres (6.5 feet) above ground level;

c) the signs are not located within 4 metres (13 feet) of the curb or edge of pavement or 1 metre (3.3 feet) from the edge of the shoulder of the road;

d) the signs are not located between the curb and the sidewalk;

- e) the signs are not placed on a roadway, in a visibility triangle; on a bridge, median, island, central boulevard or sidewalk;
 - f) the signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - g) the signs are erected with the consent of the owner or occupant of the abutting property in the urban areas.
- 3.3 No person shall pull down or remove an Election Sign erected or displayed in accordance with sections 3.1 and 3.2 except with the consent of the Candidate to whom the sign relates or the owner or occupant of the abutting property.
- 3.4 No person shall place or permit to be placed an Election Sign within 10 metres of another Election Sign of the same candidate.
- 3.5 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 official sign or official sign structures, utility box, planter, bench, waste receptacle, newspaper box, or mail box on a road allowance.
- 3.6 No person shall erect an Election Sign where it obstructs or interferes with a door or fire escape of a building.

PART 4 - ELECTION SIGNS ON PRIVATE PROPERTY

- 4.1 Election Signs may be erected or displayed on private property if:
- a) consent has been obtained from the owner of the property prior to the erection of the sign;
 - b) the signs are no larger than 2.9 square metres (32 square feet) in area and no higher than 1.8 metres (6 feet) above ground level, save and except billboard signs and signs on campaign offices;
 - c) the signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - d) No illuminated or luminous sign shall be so located in such a fashion as to diminish or detract from the effectiveness of any traffic signal or safety warning device and/or fall within the vision of motorists in such a manner so as to create a traffic hazard;
 - d) Illuminated signs shall be located so as to reflect light away from the adjacent premises or streets to prevent any glare or blinding spill-over effect.

4.2 Election Signs on Private Property shall be limited to:

- a) No more than two election signs per candidate on any one residential property;
- b) No more than two election signs per third party candidate on any one residential property;
- c) No more than three election signs per candidate on any one private property other than residential;
- d) No more than three election signs per third party advertised on any one private property other than residential.

4.3 No person shall pull down or remove a lawfully-erected Election Sign on private property without the consent of the Candidate to whom the sign relates or the owner or occupant of the property upon which the sign is erected.

4.4 That notwithstanding clause 4.1 b) the use of mobile signs and existing commercial signs be permitted for the purposes of conveying messages advertising or promoting a candidate in a federal, provincial or municipal election or by-election or used to influence persons to vote for or against any question or by-law submitted to the electors under Section 8 of the *Municipal Elections Act, 1996*, where such signs are permitted.

PART 5 - TIMING

5.1 Election signs associated with a municipal election shall not be erected or displayed any earlier than after 12:00 p.m. thirty (30) days prior to Voting Day, as defined in the *Municipal Elections Act, 1996*, as amended, in each year a Municipal Election is held or prior to nomination day in the event of a By-Election.

5.2 Election Signs shall not be erected or displayed for a federal or provincial election until after 12:00 p.m. on the date the Writ of Election is issued in accordance with the *Canada Elections Act*, as amended, and the *Election Act*, as amended;

5.3 Despite Section 5.1, Election Signs may be erected on campaign offices once the candidate has filed his/her nomination papers and paid the required filing fee.

5.4 Despite Section 5.1, Vehicle Election Signs can be displayed once the candidate has filed his/her nomination papers and paid the required filing fee.

5.5 Election Signs shall be removed within seven (7) days after the completion of voting on voting day.

PART 6 - REMOVAL OF UNLAWFUL ELECTION SIGNS

- 6.1 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.
- 6.2 Any sign that has been removed by the County will be stored until one week after the completion of voting on voting day.
- 6.3 Candidates, or an agent on their behalf, can reclaim all removed signs for up to seven (7) days following voting day, during regular office hours.
- 6.4 Any sign that has been removed in accordance with Section 6.2 and not reclaimed in accordance with section 6.3 may be destroyed or otherwise disposed of by the County without notice and without compensation to the owner of the sign.
- 6.5 Despite Section 6.2 the County shall not be obliged to store signs made entirely of paper or other lightweight material and may destroy these signs immediately upon removal.

PART 7- ENFORCEMENT

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

PART 8 - PENALTY

- 8.1 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.

PART 9 - LIABILITY FOR DAMAGES

- 9.1 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.

PART 10 - PRECEDENCE OVER ELECTION SIGN PROVISIONS IN OTHER BY-LAWS

10.1 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.

PART 11 – REPEAL

11.1 THAT By-Law No. 2021-31 is hereby repealed in its entirety.

PART 12 - EFFECTIVE DATE

12.1 That the effective date of this By-Law shall be the date of final passage thereof.

ENACTED AND PASSED this 19th day of April, 2022.

Mayor

County Clerk

Staff Report Number if applicable: CAO 22-