



**The Corporation of Norfolk County
By-Law 2021-31**

Being a By-Law to extend the time-frame to allow election signs in Norfolk County from 30 days prior to voting day to 45 days

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 Norfolk County Public Notice By-Law 2009-25 requires that the Notice of its intention to pass this by-law shall be posted on the Norfolk County's website at least 14 days prior to the passing of the by-law;

AND WHEREAS Notice of the proposed by-law regarding elections signs was published in Norfolk County's website on May 5, 2010, at least 14 days prior to its passing;

AND WHEREAS it is necessary to have an Election Sign By-Law for Norfolk County to ensure public safety on our roads and highways during an election process;
THAT Staff report CAO 21-11 respecting Amendment to Election Sign By-Law 2010-107, be received as information;

AND THAT Council direct the Clerk to present a by-law to amend the Election Sign By-Law to allow campaign signs 45 days prior to Voting Day.

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" means 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" 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;
- 1.5 "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 "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.
- 1.7 "Public Property" means 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;
- 1.8 "Public Utility Pole" means 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
- 1.9 "Urban Area" means urban area as defined in the Official Plan of Norfolk County
2.0 "Vehicle Election Sign" means 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.

- 2.0 "Vehicle Election Sign" means 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.
- 2.1 "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.

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 deface or willfully cause damage to a lawfully erected Election Sign.
- 2.4 No permits are required by Norfolk County for the erection of Election Signs in the County.
- 2.5 No person shall erect an election sign, poster or placard that refers to an election
- a) within a building or within visibility of the entrance to a building in which there is a polling place; or,
 - b) on a vehicle that is parked within visibility of the entrance to a building in which there is a polling place.
- 2.6 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;
 - 1) 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 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.
- 3.5 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) 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;
 - b) the signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - c) 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 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.
- 4.3 That notwithstanding clause 4.1 a), 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 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.
- 5.2 Election Signs shall not be erected or displayed for a federal or provincial election until the day the writ of election is issued.
- 5.3 Despite Sections 5.1 and 5.2, 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 Sections 5.1 and 5.2 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 one week 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. 2010-107 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 16th day of March, 2021.


_____ Mayor


_____ County Clerk

Staff Report Number if applicable: CAO 21-16