

By-law YYYY-NNN
Election Sign By-law

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The Corporation of the Municipality of Clarington

By-law YYYY-NN

Being a By-law to regulate the placement of election signs in the Municipality of Clarington

Whereas subsection 11(3) paragraph 1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes the Corporation of the Municipality of Clarington to pass by-laws respecting highways over which it has jurisdiction;

And whereas subsection 11(3) paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes the Corporation of the Municipality of Clarington to pass by-laws respecting signs;

And whereas subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes the Corporation of the Municipality of Clarington, if it passes a by-law for prohibiting or regulating the placing of an object on a Highway, to provide for the removal of any object placed on a Highway in contravention of that by-law;

And whereas, arising out of Report LGS-031-25, Council has determined that it is appropriate, desirable and necessary in the public interest to regulate election signs and to repeal and replace By-law 2016-004 and its amendments;

Now therefore the Council of the Municipality of Clarington enacts as follows:

1. Short Title

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

2. Definitions

2.1 In this By-law:

"campaign office" means a building or portion of a building which is used by a candidate, as their administrative office or offices for an election;

"candidate" shall have the same meaning as in the Canada Elections Act, S.C. 2000,

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c. 9, the Election Act, R.S.O. 1990, c. E. 6, or the Municipal Elections Act, 1996, S.O. 1996, c. 32 as applicable, and shall be deemed to include a person or an agent for a registered person seeking to influence another person to vote for or against any question or by-law submitted to the electors;

“Deputy CAO” shall mean the Deputy CAO of Legislative Services or their designate;

“display” means to: attach, install, erect, build, construct, reconstruct, move, place, affix or maintain;

“election” means any federal, provincial or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission;

“election assistance centre (EAC)” means a building/property, location, structure, or grounds/part of a building/property, or other facility designated by the Municipal Clerk at which eligible voters may attend in-person to seek assistance with voting and/or to vote in the Municipal Elections. The boundaries of the EAC are the boundaries of the property where the EAC is located and includes the parking lot. EACs have the same meaning as “voting place” as defined in the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.

“election sign” means any surface, including posters, billboards, advertising devices, and structures, which are used or capable of being used as a visual medium to attract attention or convey a message which advertises, promotes, opposes, or takes position with respect to any candidate or political party in a Federal, Provincial, or Municipal election or by-election, including an election of a local board or commission, is intended to influence electors to vote for or against an issue associated with a candidate or political party in a federal, provincial or municipal election or by-election, or is intended to influence electors to vote for or against any candidate or any question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, or the Municipal Elections Act;

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“expense” means the cost of carrying out the work to be done by the notice pursuant to Section 6.3 and an administrative charge as outlined in Schedule “A”;

“highway” shall have the same meaning as the Highway Traffic Act, R.S.O. 1990, c.H.8, and includes unopened road allowances;

“Municipal Clerk” means the Municipal Clerk of the Municipality or a designate;

“Municipality” means The Corporation of the Municipality of Clarington;

“Officer” means an Officer appointed by the Municipality for the purpose of enforcing Municipal By-laws, any employee of the Municipal Public Works Division whose duties include enforcement of this By-law or a police officer while in the course of their duties;

“person” means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession and includes a candidate, their agent or any representative of a candidate, or registered third party;

“registered third party” shall have the same meaning as in the Canada Elections Act, S.C. 2000, c. 9, or the Municipal Elections Act, 1996, S.O. 1996, c. 32 as applicable;

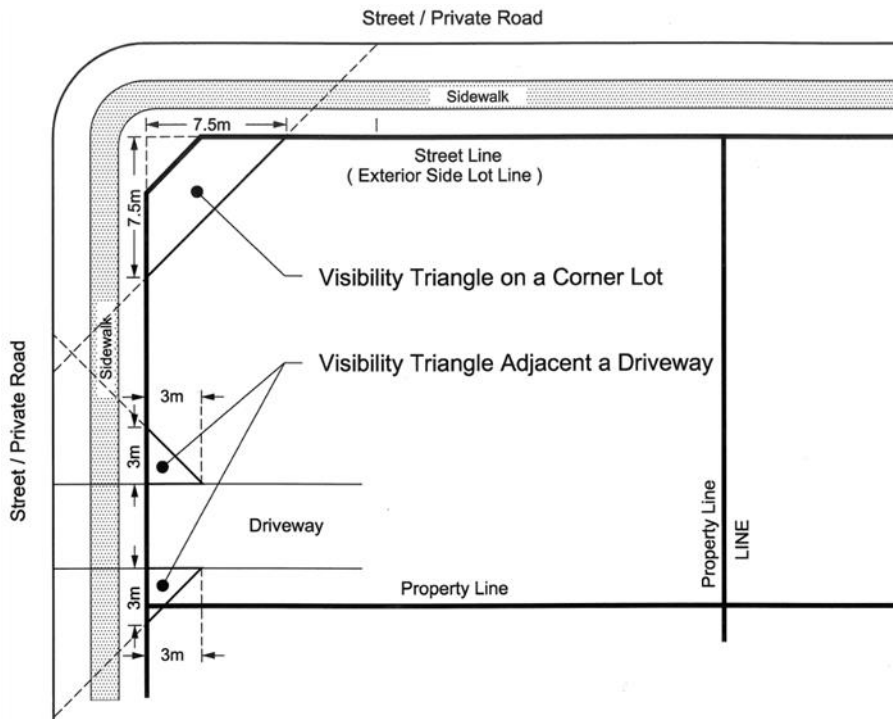
“Sign By-law” means the Municipality of Clarington Sign By-law 2009-123, as amended, or its successor;

“total sign height” means the total height of an election sign measured from grade to the top of the sign structure;

“vehicle election sign” means any form of signage, poster or vehicle wrap placed on or attached to a vehicle to show support for a candidate or any question or by-law submitted to the electors and includes any motor vehicle, trailer or any vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c.H.8, whether actively being operated on the highway or parked at any location;

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"visibility triangle" means a triangular-shaped area of land abutting a highway or private road that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting onto or driving on the highway or private road;



"voting day" means the day on which the final vote is to be taken in an election or by-election;

"voting place" means the location where election ballots are collected and tabulated.

3. Administration

3.1 This By-law applies to all election signs within the Municipality.

3.2 Any reference in this by-law to any statutes, regulations or by-laws shall be deemed to be a reference to such statutes, regulations or by-laws, as amended, restated or replaced from time to time.

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- 3.3 This by-law shall be read and interpreted in conjunction with the Municipality's Zoning By-law and Sign By-law, as amended.
- 3.4 Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this by-law.
- 3.5 Where a conflict exists between the provisions of this by-law and any other by-law regulating election signage within the Municipality, the provisions of this by-law shall prevail.
- 3.6 No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- 3.7 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- 3.8 The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person displaying any sign for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or wilful acts of such person, or their agents or employees, in the display of such signs.
- 3.9 Schedule "A" is attached to and forms part of this by-law.

4. General Provisions

- 4.1 No person shall display, or cause the display, of any election sign except in accordance with this by-law.

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- 4.2 No person shall display or cause the display of an election sign,
- a) prior to the issuance of “Writs of Election” for a Federal or Provincial election or by-election, or more than 45 days prior to the first advance voting opportunity;
 - b) in the case of a Municipal election, without first filing their nomination with the Municipal Clerk, or in the case of a registered third party, registering with the Municipal Clerk; and
 - c) without first registering and making payment of the election sign deposit fee, plus any applicable accrued costs in excess of the deposit fee prescribed in Schedule “A”.
- 4.3 Despite sections 4.1 and 4.2 c) signs identifying a candidate’s campaign office may be displayed in accordance with section 4.2 a) and b) and the Sign By-law.
- 4.4 Election sign registrations shall be:
- a) in a form prescribed by the Deputy CAO and,
 - b) accompanied by the election sign deposit fee prescribed in Schedule “A”.
- 4.5 Every election sign displayed, or caused to be displayed, by a candidate shall indicate the candidate’s name on the election sign.
- 4.6 Every election sign displayed, or caused to be displayed, by a registered third party shall indicate the name of the registered third party, the municipal, provincial, or federal body where the third party is registered, and a telephone number, mailing address, or e-mail address at which the registered third party may be contacted.

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- 4.7 No person shall display, or cause the display, of any election sign on any highway under the jurisdiction of the Municipality that:
- a) is within 1 metre from the edge of a curb or where there is no curb, within 2 metres from the edge of the travelled portion of the highway;
 - b) is within a 500-metre radius of another election sign for the same candidate or registered third party;
 - c) is on a median, traffic island, shoulder, central boulevard, or roundabout;
 - d) is within 20 metres of a public mailbox;
 - e) is within 3 metres of a school crossing or fire hydrant;
 - f) is displayed in such a manner as to obstruct the vision of drivers or interfere with the visibility;
 - g) impedes any sidewalk or walkway;
 - h) simulates any traffic sign, traffic signal, any other sign that directs the movement of pedestrian or vehicular traffic, or any other official sign;
 - i) uses words such as “stop”, “look”, “one way”, “danger”, “yield” or any similar phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;
 - j) is affixed to public infrastructure, including but not limited to mailboxes, hydro poles, light standards, planters, benches, bus shelters, waste receptacles, or other utility infrastructure: or
 - k) is displayed on, attached to, or supported by any tree, stone, or other natural object.
- 4.8 Notwithstanding Section 4.7 b), and subject to all other regulations of this By-law, election signs may be displayed within 500m of an election sign for the same candidate or registered third party where there is a residential dwelling fronting onto the portion of the highway where the election sign is displayed and where consent has been granted by an owner or occupant of said property.
- 4.9 Notwithstanding Section 4.7, a vehicle being lawfully operated on the highway may be used to display an election sign.
- 4.10 No person shall display, or cause the display, of an election sign on any fence or retaining wall if the election sign is visible from any highway that is under the jurisdiction of the Municipality or Regional Municipality of Durham.

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- 4.11 No person shall display, or cause the display, of an election sign with flashing lights, rotating parts, digital display units, animated lights, or any other form of animation or illumination.
- 4.12 No person shall display, or cause the display, of any election sign containing the Municipality's logo, crest, or seal in whole or in part.
- 4.13 No person shall display, or cause the display, of an election sign on or in any premise used as an EAC or voting place, or that part of the highway that is adjacent to the EAC or voting place.
- 4.14 No person shall display, or cause the display, of an election sign within a visibility triangle.
- 4.15 Notwithstanding Section 4.14, subject to all other regulations of this by-law, if the visibility triangle from a driveway is intersected by a sidewalk, an election sign may be displayed on the boulevard side of the sidewalk provided it is no closer than 3.0 metres from the driveway.
- 4.16 No person shall display, or cause the display, of an election sign that exceeds a total sign height of 1.5 metres or has a width greater than 2.44 metres.
- 4.17 Where rebar, or any type of reinforcing steel or metal are used to support an election sign, all ends, not including the end inserted into the ground, shall have high visibility safety caps installed that securely cover the exposed ends.
- 4.18 No person shall display, or cause the display, of an election sign on or in any property, building or structure that is owned, managed or otherwise under the legal control of the Municipality except on a highway in accordance with this By-law.

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- 4.19 No person shall park any vehicle election sign that promotes, supports or opposes a candidate or registered third party by either signs, vehicle wraps, or any other type of display advertising within a one block radius of an EAC, voting place, or the Municipal Administrative Centre at 40 Temperance Street Bowmanville.
- 4.20 No person shall display, or cause the display, of an election sign that promotes, supports or opposes a candidate outside the candidate's ward or riding boundary, where applicable.
- 4.21 Where a road serves as a boundary between wards, candidates may only display election signs on private property on the side of the road within their ward/riding boundary. On municipal boundary roads, signs may only be placed on private property on the side of the road within the Municipality.

5. Private Property

- 5.1 A maximum of (1) election sign per candidate or registered third party is permitted to be displayed on private property.
- 5.2 Section 5.1 does not apply to a property used as a campaign office of a candidate.
- 5.3 No person shall display an election sign on private property unless:
- a) consent is provided by the property owner, tenant or occupant of the property;
 - b) it does not interfere with the safe operation of a vehicle or impair the safety of pedestrians;
 - c) it does not obstruct or impede any fire escape, fire exit, door, window, air intake or exhaust; or
 - d) it does not prevent or impede emergency personnel access to a building, emergency water connection, or fire hydrants.

6. Removal

- 6.1 All election signs shall be removed by the candidate or registered third party no later than 48 hours after midnight on voting day for which the signs were displayed.

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- 6.2 Where an election sign has been displayed on or overhanging property owned by or under the jurisdiction of the Municipality or the Regional Municipality of Durham, in contravention of this By-law, an Officer may cause the election sign to be removed without notice or compensation.
- 6.3 Where an Election Sign is displayed on private property in contravention of this by-law, an Officer may forward a notice, by personal service, telephone or regular post, to the registered owner/lessee of the property, or owner of the election sign, or their agents, requiring that the election sign be removed within the time specified in the notice and thereafter not replaced with any election sign in contravention of this By-law or to alter the election sign to comply with this By-law.
- 6.4 If a notice is not complied with, an Officer may require Municipal employees, or an independent contractor to enter land and remove an election sign at the expense of the owner thereof, the person who permitted or caused the election sign to be displayed or the owner of the land on which it is situated. The Municipality, or their agents shall not be liable to compensate such owner or other person having an interest in the election sign for reason of anything done by or on behalf of the Municipality under the provisions of this By-law.
- 6.5 Every person shall comply with any notice issued under the authority of this By-law.

7. Cost and Election Sign Recovery

- 7.1 The Municipality may recover any expenses incurred in accordance with Section 6.4 by adding the expense to the tax roll and collecting it in the same manner as Municipal taxes.
- 7.2 Any election sign displayed in violation of this By-law, that is removed by the Municipality will result in a deduction from the election sign deposit fee, in the amount outlined in Schedule "A".
- 7.3 If the value of signs removed exceeds the amount of the deposit, the candidate or registered third party shall be billed directly for the extra sign removals in accordance with the amounts outlined in Schedule "A".
- 7.4 Deposits paid pursuant to this by-law, less any amount owing to the Municipality, may be refunded if in the discretion of the Manager of Municipal Law Enforcement or their designate there are no remaining infractions applicable pursuant to this by-law.

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- 7.5 Upon payment of any outstanding applicable fees, a candidate, registered third party, or any individual acting on their behalf may make arrangements to retrieve the election sign during the Municipality's regular business hours. This must be done within 30 days from the date of the invoice or the issuance of any remaining deposit refund. Any election sign not retrieved within the specified timeframe shall be deemed forfeited.

8. Offence and Penalties

- 8.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

9. Repeal

- 9.1 By-laws 2016-004, 2017-091, 2018-045, 2018-062, 2018-092, and 2021-074 are hereby repealed. That this by-law shall come into force and effect **on the date** it is deemed adopted.

Passed in Open Council this XX day of MMMM, YYYY.

Adrian Foster, Mayor

June Gallagher, Municipal Clerk

Written approval of this by-law was given by Mayoral Decision **MDE-YYYY-XXX dated XXXX XX, YYYY.**

**Schedule “A”
Fee Schedule**

Service	Fee	HST included/ Exempt	Unit
Deposit Amount	\$250	Exempt	
Removal Fee: First 25 signs regardless of size	\$10.00	Exempt	Per sign
Removal Fee: Over 25 signs up to 0.56 m² (6 ft²)	\$10.00	Exempt	Per sign
Removal Fee: Signs over 0.56 m² up to 3 m² (32 ft²)	\$20.00	Exempt	Per sign
Removal Fee: Over 3 m²	\$30.00 or actual cost of removal, whichever is higher	Exempt	Per sign
Administrative Charge	25% of the actual cost	Included	