

The Corporation of the County of Peterborough

By-law No. 2022-29

The Corporation of the County of Peterborough

Election Sign By-law No. 2022-29

A by-law prohibiting and regulating the placing and erecting of election signs, notices and advertising devices upon any County of Peterborough road, road allowance or property owned and operated by the Corporation of the County of Peterborough

Consolidated Version

As Amended by:

By-law No.:

Date:

By-law No. 2022-40

May 18, 2022

The Corporation of the County of Peterborough

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Whereas Section 11(3) of the Municipal Act, 2001, as amended (the “Act”) permits an upper-tier municipality to pass by-laws, subject to the rules set out in subsection (4), respecting structures, including fences and signs;

And Whereas Sections 9, 10 and 23.1 to 23.5, and 284.1 of the Act authorize a municipality to delegate its powers and duties, subject to certain restrictions, and authorize a municipality to provide for a review or appeal of a decision made by a person or body in the exercise of power or duty delegated;

And Whereas Section 59 of the Act provides that, without limiting Sections 9, 10 and 11, an upper-tier municipality may prohibit or regulate the placing and erecting of any sign, notice or advertising device within 400 metres of any limit of an upper-tier highway;

And Whereas Section 63 of the Act 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 391(1) of the Act, as amended, provides that without limiting Sections 9, 10 and 11, those Sections authorize a municipality to impose fees or charges on persons:

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control;

And Whereas Section 445 of the Act provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention;

And Whereas the Council of the Corporation of the County of Peterborough desires to regulate the placing and erecting of election signs, notices and advertising devices upon County roads, road allowances or property owned and operated by the County;

Now Therefore the Council of The Corporation of the County of Peterborough hereby enacts as follows:

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1. Short Title

- 1.1 This by-law may be cited as the “Election Sign By-law”.

2. Definitions

- 2.1 In this by-law:

- 2.1.1 “Council” means the Council of The Corporation of the County of Peterborough.
- 2.1.2 “County” means The Corporation of the County of Peterborough.
- 2.1.3 “Director” means the Director, Planning and Public Works Department for the Corporation of the County of Peterborough.
- 2.1.4 “Lower Tier Municipality” means any of the Corporations of the Township of Asphodel-Norwood, Township of Cavan Monaghan, Township of Douro-Dummer, Township of Havelock-Belmont-Methuen, Township of North Kawartha, Township of Otonabee-South Monaghan, Township of Selwyn and the Municipality of Trent Lakes.
- 2.1.5 “Municipal Freedom of Information and Protection of Privacy Act” means that regulation that provides the right of the public to access municipal records, subject to certain limitations and exemptions and also provides the right to access one’s own personal information and to correct it.
- 2.1.6 “Occupational Health and Safety Act” means the Ontario law that protects workers from health and safety hazards at work.
- 2.1.7 “Owner” means any person described on the Election Sign, or whose name or address or telephone number appears on the Sign, or who installed the Sign, or who is in lawful control of the Sign, or who benefits from the message on the Sign, and for the purposes of this By-law there may be more than one Owner of a Sign.
- 2.1.8 “Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and their heirs, executors or legal representatives.
- 2.1.9 “Private Property” means those lands under private ownership located adjacent to a County Road Allowance for a distance of 400 metres and not forming part of a Road Allowance.

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2.1.10 "Road Allowance" means a County road allowance and includes all lands and structures contained within the limits of the allowance including grassed areas, ditches, curbs, gutters, sidewalks and other structures and includes a "Highway" as defined under the Ontario Highway Traffic Act which is under the jurisdiction of the County.

2.1.11 "Sign" means any device or display upon which there is printed, projected or attached any announcement, declaration or insignia used for direction, information, advertisement or business promotion of products or availability of services whether intended to be permanent or temporary, capable of being readily moved or relocated and includes inflatable devices, banners and immobile vehicles or trailers used strictly as advertising devices, including Sign Structure, Sign Face or other component parts, which is used or is capable of being used to attract attention to a specific subject matter for identification, information or advertising purposes but does not include window displays; flags or emblems of patriotic, civic, educational, religious organizations or private clubs; and shall not include Signs installed on Buildings.

2.1.12 "Sign Area" means the area of the copy surface for a singular Sign Face.

2.1.13 "Sign Face" means that portion of a Sign on which a message is intended to be displayed.

2.1.14 "Sign Structure" means those parts of a Sign consisting of the supports or framework for the support of an Election Sign whether embedded into or mounted directly on the ground but not including a Building.

2.1.15 "Sign Type" means the category of types of Signs that are to be considered under this By-law, including:

- i. "Election Sign" means a Sign erected in connection with a Federal, Provincial or Municipal Election or referendum intended as advertising or promoting a candidate in a federal, provincial or municipal election or by-election or that uses words, pictures or graphics or any combination thereof intended 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.

2.1.16 "Sign Variance" means a minor change to this by-law for a specific Election Sign.

3. General Provisions

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3.1 Scope

- 3.1.1 Unless otherwise specifically exempted, all Road Allowances and properties owned and operated by the Corporation of the County of Peterborough within the geographic limits of the County of Peterborough shall be subject to the provisions of this by-law.
- 3.1.2 This by-law shall not apply to Election Signs placed on Private Property.
- 3.1.4 Election Signs placed within a County Road Allowance shall be regulated in accordance with Schedule “A” of this by-law.

3.2 Administration

This by-law shall be administered by the Director or their designate.

3.3 Interpretation

- 3.3.1 Words importing the singular number only include more persons, parties or things of the same kind than one.
- 3.3.2 The requirements of this by-law are provided in metric units.
- 3.3.3 Where a distance is used in this by-law, as part of an Election Sign location regulation, such distance shall be measured in a straight horizontal line parallel to the ground; and
 - i. where the specified distance is referenced from an intersection, shall be measured from the projection of the closest curb line of the intersecting highway, to the nearest part of the said sign; and
 - ii. where the specified distance is referenced from a street line, property line, or other sign, object, structure, or property, shall be measured from the nearest part of the said reference to the nearest part of any Election Sign, in all directions.

3.4 Enforcement

This by-law shall be enforced by that Person, persons, agency or authority appointed by the Council of the Corporation of the County of Peterborough, including:

- i. the Director or their designate;

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- ii. each person from time to time appointed as a municipal law enforcement officer to enforce any or all of the County's by-laws;
- iii. a police officer employed by the Peterborough Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police.

3.5 Sign Permit

The placement of an Election Sign upon a County Road Allowance shall not require the issuance of a Sign Permit by the County.

3.6 Inspection

3.6.1 From time-to-time, the Director or his/her designate may inspect the Road Allowance upon which an Election Sign has been erected, displayed, altered or repaired and make their determination as to the conformity of the Election Sign with the provisions of this by-law.

3.6.2 If, upon inspection, it is apparent that a Person:

- i. has erected, displayed, altered or displayed an Election Sign that does not conform with Schedule "A" of this by-law.; or
- ii. has erected, displayed, altered or displayed an Election Sign that constitutes a danger to the public or that interferes with vehicular traffic; or
- iii. has erected, displayed, altered or displayed an Election Sign that fails to conform to the provisions of this By-law and all other applicable By-laws and legislation, the County may:
 - a. require such person to make such alterations to the Election Sign or to its Sign Structure to bring the Election Sign into conformity with the application, applicable By-laws and applicable legislation; or
 - b. give written notice to such Persons requiring such person to remove such Election Sign within a period of seven (7) days; or
 - c. authorize the Election Sign to be dismantled and removed at such Person's expense.
- iv. Removal shall be conducted in accordance with Schedule "A" of this By-law.

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3.6.4 Where an Election Sign is to be moved from one location to another or altered, the Election Sign shall comply with the provisions of Schedule “A” of this By-law.

3.7 Fee

Election Signs to be installed upon a County Road Allowance shall not require the payment of a fee as prescribed in the County’s Tariff of Fees By-law, as amended.

4. Prohibitions

4.1 Notwithstanding any other provisions of this by-law, no Person shall erect, install, post, display, maintain, alter or keep an Election Sign:

4.1.1 Within the Road Allowance of any County that:

- i. Creates a safety hazard.
- ii. Impedes or obstructing maintenance or construction operations.
- iii. Impedes access to or obstructing a fire hydrant.
- iv. Impedes or obstructing vehicular traffic or the passage of pedestrians where they are reasonably expected to walk.
- v. Impairs or obstructing the visibility of vehicular or pedestrian traffic or within 30 metres (100 feet) of a public trail, driveway, entranceway, railway level crossing.
- vi. Interferes with or obstructing the view of or obscuring or detracting from the visibility or effectiveness an authorized Traffic Control Sign, Traffic Control Signal or an Official Sign or any Sign capable of being confused with such authorized Traffic Control Sign, Traffic Control Signal or an Official Sign.
- vii. Obstructs the view of any pedestrian or motor vehicle operator to cause an unsafe condition.
- viii. Obstructs the flow of water in a drain, ditch or watercourse.

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- 4.1.2 That obstructs, interferes with any maintenance or construction operations provided by or which does not comply with this by-law or with any applicable by-law of the County, Lower Tier Municipality or First Nation.
- 4.1.3 That interferes with or may damage any above or below ground municipal or utility services which have been lawfully placed at the location.
- 4.1.4 No person shall attach or display any Election Sign within a County road allowance, on a utility pole, light standard, fence post, tree, bridge, structure, Official Sign or painted or pasted onto a rock surface, except for a Sign erected by a government or municipal agency or body pertaining to public safety;
- 4.1.5 That contains or is accompanied with a device that creates noise.
- 4.1.6 That is obsolete and advertises an election event that is concluded.
- 4.1.7 Any Election Sign or Sign structure in a state of disrepair or in an unsafe, damaged or hazardous condition.
- 4.1.8 Sign Structure anchored with any hazardous objects.
- 4.1.9 Any Election Sign that obstructs or interferes with a fire escape plan, fire exit, fire hydrant or standpipe.
- 4.1.10 That in the Director's sole opinion, interferes with the safe movement of traffic, including but not limited to the obstruction of sight lines at intersections where road alignment or grade changes, or the impediment of snow removal operations.
- 4.1.11 That is immediately adjacent to property owned by the County.
- 4.1.12 That if the lower tier municipality's election sign by-law restricts Election Signs within a road allowance immediately adjacent to property owned and/or operated by the lower tier municipality, this by-law will also restrict any person erecting, installing, posting, displaying, maintaining, altering or keeping an Election Sign within the Road Allowance of any County Road that is immediately adjacent to property owned and/or operated by the lower tier municipality.

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- 4.2 The prohibitions hereinbefore contained shall not extend to or affect the right of the County to erect or remove Election Signs as placed within the Road Allowance.
- 4.3 No Person shall erect, install, post, display, maintain, alter or keep an Election Sign on County owned and/or operated property.

5. Maintenance and Condition of Election Signs

Election Signs shall, at all times, be maintained by the Election Sign Owner in a state of good repair.

6. Sign Variance

- 6.1 Any Person wishing to Erect an Election Sign not permitted by this By-law may apply for a Sign Variance.
- 6.2 An application for a Sign Variance shall be made in writing to the Director who may prescribe any information to be given therein and other necessary documentation to be completed or submitted by the Owner in conjunction with the application.
- 6.3 Every Sign Variance application shall be submitted to the Director and be accompanied by:
 - (a) the appropriate non-refundable fee as set out in Tariff of Fees By-law, as amended; and
 - (b) plans detailing the Election Sign proposed to be erected.
- 6.4 Where, in the Director's opinion, the requested Sign Variance is minor, satisfies the intention of this By-law and is appropriate, the Director shall authorize the Election Sign.

7. Offences

- 7.1 Each Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of:
 - i. not less than \$250 for a first conviction of a offence;
 - ii. not less than \$500 for a second conviction of the same offence; and

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- iii. not less than \$1,000 for a third or subsequent conviction of the same offence.

7.2 Prosecution under this by-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property as the case may be.

8 Sign Permit Revocation and Sign Removal

Refer to Schedule “A” of this by-law.

9. Conflict

9.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the County or by any governmental authority having jurisdiction to make such restrictions or regulations.

9.2 If there is a conflict between a provision of this by-law and a provision of any other County by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain a clean and tidy condition on land shall apply.

10. Severability

If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

11. Applicability

Upon passage of this By-law, all Election Signs shall be brought into compliance with the provisions of this by-law.

12. Freedom of Information

Personal information collected pursuant to the Municipal Freedom of Information and Privacy Act will only be used for the purpose of this by-law. Personal information will not be released except in accordance with the Municipal Freedom of Information and Privacy Act.

13. Effective Date

13.1 This by-law shall come into full force and effect on the day of passage.

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13.2 That By-law No. 2021-50 is hereby repealed.

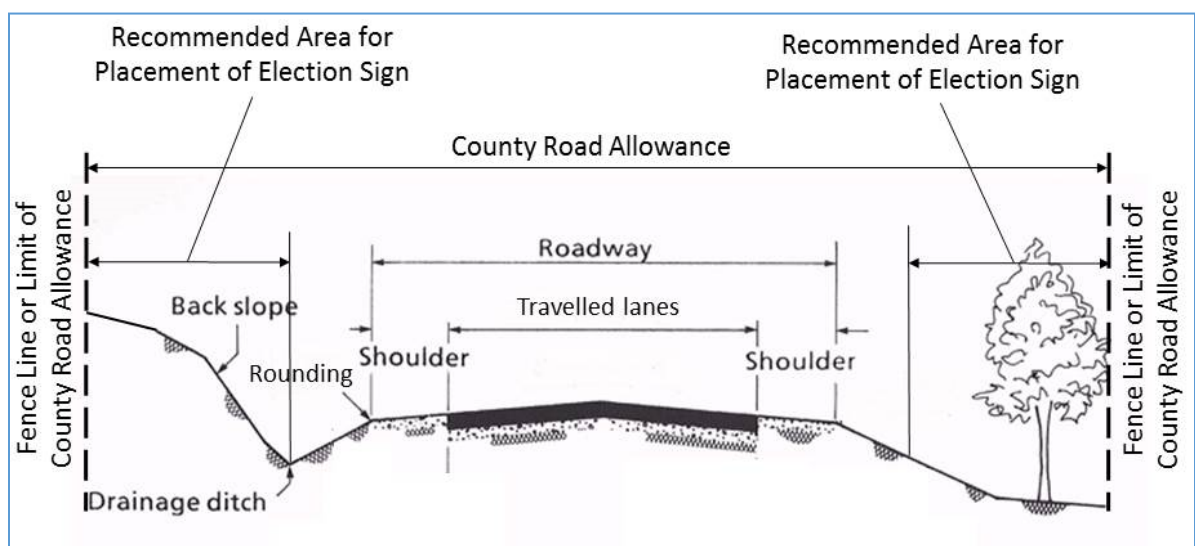
Read and passed this 20th day of April, 2022.

J. Murray Jones, Warden

Kari Stevenson, Clerk

Schedule “A” to By-law No. 2022-29
Regulation of Election Signs Placed Within a County Road Allowance

1. No Person shall Erect an Election Sign in relation to an Election within a County Road Allowance unless the Sign is Erected for the purpose of promoting a candidate in a municipal, provincial or federal Election, including an Election of a local board or commission, or is intended to influence electors to vote for or against any candidate or any question or by-law submitted to electors under the Canada Elections Act, Municipal Elections Act, municipal by-law or any other applicable legislation, as amended.
2. No candidate, registered third party or their agent or any other person shall install, affix or otherwise display an Election Sign, except as specifically permitted in this By-law or under prescribed legislation.
3. Election Signs are exempted from the fees and permits as may be provided under this By-law.
4. Election Signs Erected pursuant to this section not exceeding 0.5574 square metres (6 square feet) in total area shall be permitted to be installed within the road allowance of County Roads and shall be Erected:
 - (a) as close to the fence line as possible but shall not be Erected between the edge of the pavement and the centre line of the ditch in accordance with the attached diagram;



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- (b) shall not be Erected within 30 metres (100 feet) of an intersection (inclusive of four-way and three-way ["T"] intersections of public highways with public highways; not inclusive of intersections of public highways with fire routes/private roads/private entrances), public trail, railway crossing so as to impair or obstruct the visibility of vehicular or pedestrian traffic;
 - (c) shall not be illuminated, have flashing or moving parts or obstruct any official Sign or signal or simulate any traffic control device;
 - (d) shall not be affixed to any permanent or official highway Sign, signal or support, guardrail or other roadway structure, utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box.
 - (e) in compliance with Section 4 of By-law No. 2022-29.
- 5. Election Signs for Provincial or Federal Elections or by-Elections shall not be Erected until the day the writ of Election or by-Election is issued.
- 6. Election Signs for municipal Elections shall not be erected until the later of:
 - (a) the day nomination papers have been filed by the candidate; or
 - (b) the first date on which a local area municipal by-law permits Election Signs to be erected within that lower tier municipality.
- 7. All Election Signs Erected, placed or displayed on private property shall be at the consent of the owner or occupant of the property and shall be in accordance with any applicable local municipal by-law any other applicable legislation, as amended.
- 8. All Election Signs Erected pursuant to this section shall be removed from the County road allowance within 48 hours of the last polling/voting day.
- 9. Any Election Sign placed in the County road allowance and found to be in violation of this By-law shall be subject to seizure by the County and such seized sign shall be stored for up to seven (7) days after the Election day; a candidate or any person acting on behalf of a candidate may retrieve a sign stored by the County but the County may, without notice or compensation to any person, destroy or otherwise dispose of any Election sign that has not been retrieved within the aforementioned period.

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10. If an Election Sign is not removed from the County road allowance in accordance with this By-law, the candidate or registered third party may be fined in accordance with the provisions of this By-law.
11. No person shall deface, relocate, remove, willfully cause damage or permit the cause of damage to a lawfully erected Election Sign placed within the County road allowance, except for the candidate to whom the Sign belongs.
12. The County shall not be liable for any damages or loss to an Election Sign that was displayed in accordance with this By-law or that was removed by the County pursuant to the provisions of this By-law.
13. The County reserves the right to remove any offending Election Sign, any Election Sign placed within a County road allowance that is deemed to be a hazard or otherwise that is in non-compliance with this By-law without notice to any person, including the candidate, and without compensation to the owner of the Sign.
14. Election Signs placed on any public highway or road allowance under the jurisdiction of another municipality and/or the Province of Ontario may be subject to By-laws and regulations of those authorities.