

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2022-045

**A by-law to regulate the placement of election
signs in the Municipality of Trent Lakes**

Recitals:

1. Section 11(3) of the Municipal Act, 2001, as amended, permits a lower-tier municipality to pass by-laws, subject to the rules set out in subsection (4), respecting structures, including fences and signs.
2. Section 63 of the Municipal Act, 2001, as amended, 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 in contravention of that by-law
3. Section 425 of the Municipal Act, 2001, as amended, establishes that any person who contravenes any by-law of the municipality is guilty of an offence.

The Council of The Corporation of the Municipality of Trent Lakes hereby enact as follows:

Definitions

1. Definitions

- 1.1. **Candidate** means any individual who has filed nominations in a federal, provincial, municipal or school board election or by-election, or a Candidate seeking nomination for a political party. The term Candidate can also be substituted to read political party, constituency association, Third Party Advertiser, or a person or group supporting or opposing a question or by-law on a ballot.
- 1.2. **Council** means the Council of The Corporation of the Municipality of Trent Lakes.
- 1.3. **Director** means the Director of Public Works for the Corporation of the Municipality of Trent Lakes or their designate.
- 1.4. **Election Sign** means an advertising device which, by the use of words, pictures or graphics or any combination thereof, is intended to promote, oppose or take a position with respect to any of the following under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act:
 - a. Any Candidate or political party in an election;
 - b. An issue associated with a person or political party in an election; or
 - c. A question, law or by-law submitted to the electors.
- 1.5. **Municipality** means The Corporation of the Municipality of Trent Lakes.
- 1.6. **Person** includes an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and their heirs, executors or legal representatives or a person to whom the context can apply according to the law.
- 1.7. **Private Property** means those lands under private ownership and not forming part of a Road Allowance.
- 1.8. **Public Property** means any land, building or other structure owned, leased, operated or otherwise controlled by the Municipality, other than a Road Allowance, and includes the Municipal Office, operation centres, libraries, community and recreation centres, transfer stations, public works

depots, parks, trails, sports fields and open space.

- 1.9. **Road Allowance** means a Municipal 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 Municipality.
- 1.10. **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 trainers 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.
- 1.11. **Sign Area** means the area of the copy surface for a singular Sign Face.
- 1.12. **Sign Face** means that portion of a Sign on which a message is intended to be displayed
- 1.13. **Sign Structure** means those parts of a Sign consisting of the supports or framework for the support of a Sign whether embedded into or mounted directly on the ground but not including a building.
- 1.14. **Third Party Advertiser** means means any individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, Section 37.5 of the Election Finance Act, R.S.O. 1990, c. E.7, or Section 353 of the Canada Elections Act, S.C. 2000, c. 9.

General Provisions

2. Scope

- 2.1. Unless otherwise specifically exempted, all Road Allowances and Public Property within the geographic limits of the Municipality shall be subject to the provisions of this by-law.
- 2.2. This by-law shall apply to:
 - a. all regular federal, provincial, municipal and school board elections, including any by-election; and
 - b. Candidates, Third Party Advertisers and all other persons erecting Election Signs.
- 2.3. This by-law shall not apply to:
 - a. signs erected by the Municipality or the provincial or federal governments to provide information concerning an election or by-election or any part of an election or by-election process; and
 - b. non-election related signs, which are regulated by the Municipality's Sign By-law.

3. Interpretation

- 3.1. Words importing the singular number only include more persons, parties or things of the same kind than one.
- 3.2. The requirements of this by-law are provided in metric units.
- 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

- a. 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 Election Sign; and
- b. 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.

4. Enforcement

- 4.1. This by-law shall be enforced by:
 - a. the Director or their designate;
 - b. each person from time to time appointed as a municipal law enforcement officer to enforce any or all of the Municipality's by-laws;
 - c. a police officer employed by the Ontario Provincial Police or the Royal Canadian Mounted Police.

5. Inspection

- 5.1. From time to time, the Director may inspect any Election Sign that has been erected, installed, posted, displayed, maintained, altered or kept and make their determination as to the conformity of the Election Sign with the provisions of this by-law.
- 5.2. If, upon inspection, it is apparent that a Person:
 - a. has erected, installed, posted, displayed, maintained, altered or kept an Election Sign that does not conform to the provisions of this by-law; or
 - b. has erected, installed, posted, displayed, maintained, altered or kept an Election Sign that constitutes a danger to the public or that interferes with vehicular traffic; or
 - c. has erected, installed, posted, displayed, maintained, altered or kept an Election Sign that fails to conform to the provisions of this by-law and all other application by-laws and legislation, the Municipality may:
 - i. 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 applicable by-law and legislation; or
 - ii. Give written notice to such Persons requiring such person to remove such Election Sign within a period of seven (7) days; or
 - iii. Be dismantled and removed in accordance with the provisions of this by-law.

6. Sign Permit

- 6.1. The placement of an Election Sign upon a Road Allowance shall not require the issuance of a sign permit by the Municipality.

7. Fee

- 7.1. Election Signs to be installed upon a Road Allowance shall not require the payment of a fee.

Regulation of Election Signs

8. Public Property

- 8.1. No person shall erect, install, post, display, maintain, alter or keep an Election Sign in or on any Public Property that is not a Road Allowance.
- 8.2. Notwithstanding section 9.1, no person shall erect, install, post, display, maintain, alter or keep an Election Sign on a Road Allowance that is immediately adjacent to Public Property.
- 8.3. No person shall erect, install, post, display, maintain, alter or keep an Election Sign on a Road Allowances which:

- a. creates a safety hazard;
- b. impedes or obstructs maintenance or construction operations
- c. impedes or obstructs vehicular traffic or the passage of pedestrians where they are reasonably expected to walk;
- d. impairs or obstructs the visibility of vehicular or pedestrian traffic or within 30 metres of a public trail, public driveway, or public entranceway;
- e. within 45 metres of an intersection (inclusive of four-way and three-way "T" intersection of public highways with public highways; not inclusive of intersection of public highways with fire routes/private roads/private entrances), public trail, entranceway, railway crossing so as to impair or obstruct the visibility of vehicular or pedestrian traffic;
- f. is illuminated, has flashing or moving parts or obstructs any official sign or signal or simulate any traffic control device;
- g. interferes with or obstructs the view of or obscures or detracts from the visibility or effectiveness of an authorized traffic control sign, traffic control signal or an official sign or any sign capable of being consumed with such traffic control sign, traffic control signal or an official sign;
- h. obstructs the view of any pedestrian or motor vehicle operator so as to cause an unsafe condition;
- i. obstructs the flow of water in a drain, ditch or watercourse;
- j. obstructs or interferes with any maintenance or construction operations;
- k. interferes with or may damage any above or below ground municipal or utility services which have been lawfully placed at the location;
- l. is affixed to any permanent or official highway sign, signal, support, guardrail or other roadway structure, utility pole, light standard, utility box, fence post, tree, planter, bench, waste receptacle, newspaper box, mail box, bridge, structure, official sign or painted or pasted onto a rock surface;
- m. contains or is accompanied with a device that creates noise;
- n. is obsolete and advertises an election event that is concluded;.
- o. is in a state of disrepair or in an unsafe, damaged or hazardous condition;
- p. is anchored with any hazardous objects;
- q. obstructs or interferes with a fire escape plan, fire exit, fire hydrant or standpipe;
- r. 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.

8.4. No Candidate, Third Party Advertiser or their agent or any other person shall erect, install, post, display, maintain, alter or keep an Election Sign, except as specifically permitted in this by-law or under prescribed legislation.

8.5. Election Signs erected pursuant to this section not exceeding 0.5574 square metres in total area shall be permitted to be installed within the Road Allowance and shall be erected 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.

9. Private Property

9.1. All Election Signs erected, installed, posted, displayed, maintained, altered or kept 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 and any other applicable legislation, as amended.

10. Sign Maintenance

10.1. Election Signs shall, at all times, be maintained in a state of good repair.

11. Timing

11.1. 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.

- 11.2. Election Signs for Municipal elections shall not be erected until Nomination Day in the year of that election.
- 11.3. All Election Signs erected pursuant to this by-law shall be removed from the Road Allowance within 48 hours of the last polling/voting day.

12. Use of Municipal Logo, Crest, Seal

- 12.1. The Municipality's logo, crest, coat of arms, slogan, and other similarly branded corporate resources or trademarks shall not be used on any Election Signs.

13. Removal/Damage to Election Signs

- 13.1. Any Election Sign erected, installed, posted, displayed, maintained, altered or kept in the Road Allowance and found to be in violation of this by-law shall be subject to seizure by the Municipality and such seized sign shall be stored for up to seven (7) days after the last polling/voting day. A Candidate, Third Party Advertiser, or any person acting on behalf of a Candidate or Third Party Advertiser may retrieve a sign stored by the Municipality but the Municipality 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.
- 13.2. No person shall deface, relocate, remove, wilfully cause damage or permit the cause of damage to a lawfully erected Election Sign placed within the Road Allowance, except for the Candidate or Third Party Advertiser to whom the Election Sign belongs.
- 13.3. The Municipality reserves the right to remove any offending Election Sign, any Election Sign placed within a 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 or Third Party Advertiser, and without compensation.

14. Liability for Damages

- 14.1. The Municipality 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 Municipality pursuant to the provisions of this by-law.

Special Provisions for Third Party Advertisers

15. Registration

- 15.1. A Third Party Advertiser must be registered with the Clerk prior to erecting any Election Signs.

16. Required Information

- 16.1. Election Signs erected by Third Party Advertisers or their agents shall contain valid and up-to-date contact information, including:
 - a. the name of the Third Party Advertiser;
 - b. the municipality where the Third Party Advertiser is registered; and
 - c. a telephone number, mailing address or email address at which the Third Party Advertiser may be contacted.

Administration and Approval

17. Short Title

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

18. Repeal

18.1. Municipality of Trent Lakes By-law B2018-030 is hereby repealed.

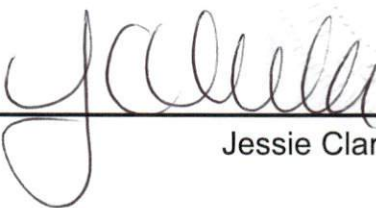
19. Approval and Effective Date

19.1. This by-law shall come into force on the date it is finally passed.

Read a first, second and third time and passed this 19th day of April, 2022.



Janet Clarkson, Mayor



Jessie Clark, Clerk