

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW 2018-013

A BY-LAW TO REGULATE ELECTION SIGNS IN MUNICIPAL, PROVINCIAL AND FEDERAL ELECTIONS

WHEREAS Section 11 of the *Municipal Act* provides that a municipality may pass By-laws respecting structures including fences and signs;

AND WHEREAS Section 99 of the *Municipal Act* provides rules that apply to a By-law of the municipality respecting advertising devices, including signs;

AND WHEREAS pursuant to Section 425 of the *Municipal Act*, a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Bill 181, being the *Municipal Elections Modernization Act, 2016* states that any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate.

AND WHEREAS the *Municipal Elections Act, 1996, S.O. 1996, c.32, Sched* states that where a municipality is satisfied that there has been a contravention of the Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed.

AND WHEREAS the Council of The Corporation of the Township of Lake of Bays deems it expedient to pass a by-law to regulate election signs in the Township of Lake of Bays;

AND WHEREAS The Clerk has authority to amend "Schedule A" when the Province has finalized Third Party Regulations in 2018;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

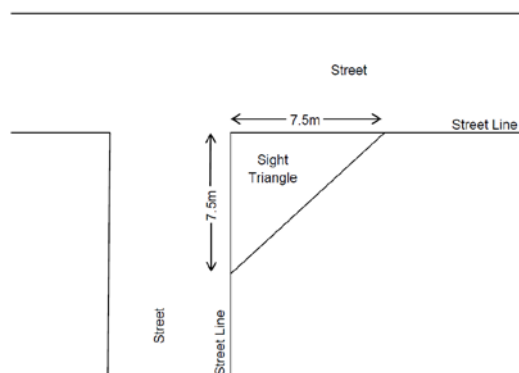
DEFINITIONS

1. In this By-law:

- a) **Agent** means any person who is directly or indirectly working on behalf of a candidate regardless of whether the work is being done on a voluntary or compensated basis or with the direct knowledge or approval of the candidate.
- b) **Boulevard** means that portion of a highway between the street line and the roadway, which is not used or intended for use for vehicular travel by the general public and includes any landscaped area between a street line and sidewalk including a shoulder.
- c) **Candidate** means a person who is running in a municipal (including local school board), provincial or federal election and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or By-law submitted to the electors under section 8 of the *Municipal Elections Act*.
- d) **Clerk** means the Clerk (or their designate) of the Township of Lake of Bays.
- e) **District** means the District Municipality of Muskoka.
- f) **Election Sign** means any temporary notice, device or sign that advertises or promotes a candidate in a federal, provincial or municipal election including an election of a local board or commission intended to influence persons to vote for or against any candidate or any question or By-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.



- g) **Highway** includes a common and public highway, street, avenue, 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.
- h) **Officer** means an individual appointed as a Municipal Law Enforcement Officer by the Council of the Corporation of the Township of Lake of Bays.
- i) **Official Sign** means a sign or device placed by the Township or District for the purpose of regulating, warning or controlling traffic and includes signs approved by the Ministry of Transportation and signs described in the Highway Traffic Act.
- j) **Prescribed Legislation** means the *Municipal Elections Act, 1996, S.O. 1996, c.32, Sched.*
- k) **Private Property** means lands which are not defined as Public Property or a Public Utility Facility including lands leased by the Township to others.
- l) **Public Utility Facility** means a pole, transformer box, service container, equipment or other such structure owned or controlled by an entity that provides a public utility service.
- m) **Registered Third Party** means an individual, corporation or trade union that is registered with the municipality in accordance with prescribed legislation.
- n) **Restricted Period** means the period during which an election sign used as a third party advertisement is permitted as outlined under prescribed legislation.
- o) **Roadway** means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder.
- p) **Sight Triangle** means the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 metres, measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.



- q) **Sign Face** means the surface of the sign upon, against or through which the message of the sign is exhibited, but does not include the sign structure. An election sign may have a maximum of two (2) back to back faces with the interior angle of the two sign faces not exceeding 90 degrees.



- r) **Sign Height** means the vertical distance from the ground on which the sign is installed to the highest physical point of the sign.
- s) **Street Line** means the limit of a street or road allowance as the dividing line between a lot and a street or road.
- t) **Third Party Advertisement** means a third party sign
- u) **Third Party Sign** means an election sign not installed or erected directly or indirectly by a candidate.
- v) **Township** means the Corporation of the Township of Lake of Bays.

2. TIMING OF DISPLAY

No candidate, registered Third Party or their agent or any other person shall affix, install or otherwise display an election sign or permit an election sign to be affixed, installed or otherwise displayed:

- a) In the case of a Municipal Election, prior to Nomination Day as set out in the prescribed legislation;
- b) In the case of a Federal or Provincial Election, prior to the issuance of the writ for the election; or
- c) Longer than fourteen (14) days following the election date.

3. LOCATION OF SIGN(S)

No candidate, registered Third Party or their agent or any other person shall affix, install or otherwise display an election sign or permit an election sign to be affixed, installed or otherwise displayed:

- a) On any Township property including but not limited to:
 - Municipal Office (Dwight)
 - Public Works Garages (Dwight or Baysville)
 - Public Libraries (Dwight or Baysville)
 - Lake of Bays Community Centres (Dwight or Baysville)
 - Township Fire Halls (Port Cunnington, Hillside, Interlaken, Baysville)
 - Township Senior Centres (Dwight, Port Cunnington, Baysville, Dorset)
 - All Municipal Parks, Beaches and Boat Launches
 - Any other lands owned or leased by the Township.
- b) Overhanging any Township property or on any road allowances immediately adjacent to the properties noted above;
- c) On any utility pole, official sign or official sign structure or any location where the election sign might interfere with underground services;
- d) On any tree, tree support or fence on Township property;
- e) On private property without having first obtained permission from the property owner;
- f) On any centre median, traffic island, or centre boulevard;
- g) Within any sight triangle;



- h) On any boulevard except as specifically indicated below:
 - i) A sign is permitted to occupy a boulevard area provided the sign is not greater than 1 metre (39 inches) in height and is not located within 3 meters (10 feet) of the traveled portion of a roadway including the paved shoulder.
 - ii) At no time shall a sign interfere with or hinder pedestrian traffic on a Township maintained sidewalk.
- i) That obstructs the view or interferes with pedestrian traffic, the driver of a motor vehicle, the visibility of any official sign or device, another election sign, or where it interferes with vehicular traffic movement in a manner that could endanger any person;
- j) That obstructs or impedes any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department Siamese connections and/or fire hydrants;

4. GENERAL PROVISIONS

- a) No candidate, registered Third Party or their agent or any other person shall affix, install or otherwise display an election sign or permit an election sign to be affixed, installed or otherwise displayed:
 - i) That is flashing, inflatable, obsolete, or affixed to a roof;
 - ii) That can be confused with a traffic sign, signal or official sign;
 - iii) Unless the sign is maintained in a proper state of repair and remains safe and aesthetically pleasing;
 - iv) That is indecent in any word, picture, symbol or the like;
 - v) Bearing a logo, corporate image, trademark or official mark of the Township of Lake of Bays;
- b) Every candidate or registered Third Party to whom the election sign relates shall be responsible for the installation, maintenance or display of the election sign and shall ensure compliance with this sign b-law and regulations of the Province of Ontario (Ministry of Transportation) and the District Municipality of Muskoka.
- c) No person shall pull down or remove or relocate a lawfully installed election sign on private property without the consent of the candidate to whom the sign relates or the owner of the property on which the sign is installed.
- d) No person shall deface or wilfully cause damage to a lawfully installed election sign.

5. SIZE – SPECIFIED DIMENSIONS AND SETBACKS

In contravention of the specified dimensions and setbacks as follows:



Maximum Sign Face Area	Minimum Setback from Street Line on private property	Maximum Height Of Sign From Grade	Minimum Setback from a Park, Cemetery, or School Lot Line	Minimum Setback from Any Other Lot Line
Less than or equal to 1.5 square metres (16 square feet)	1 metre (3.3 feet)	3.7 metres (12 feet)	15.2 metres (50 feet)	0.6 metres (2 feet)
Greater than 1.5 square metres (16 square feet)	Not permitted without obtaining a sign permit pursuant to the Township's Sign By-law.			

ADMINISTRATION AND ENFORCEMENT

- a) Any sign, or part thereof, that has been installed, affixed or otherwise displayed in contravention of any provision of this by-law may be removed immediately without notice by an Officer or any other individual designated by the Clerk;
- b) The Township shall not be liable for any damage or loss to an election sign that was displayed in accordance with this by-law or that was removed by the Township pursuant to the provisions of this by-law;
- c) Election signs which have been seized and not claimed or retrieved by the sign owner, registered third party or authorized agent within 30 days may be destroyed;
- d) Election signs which have been seized may be returned to the sign owner, registered third party or authorized agent upon payment of the fees specified in the Township User Fee By-law;
- e) No election sign(s) shall be returned on Voting Day.

FORCE AND EFFECT

This By-law shall come into force and effect on the date of passage.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 20th day of March, 2018


Acting Mayor – Shane Baker


Carrie Sykes





**'Schedule A' to By-law 2018-013
Third Party Legislation**

To be added when legislation is given final reading in April 2018