



BY-LAW NO. 2021-0064

A By-law to Manage and Regulate Election Signs in the Town of Halton Hills

WHEREAS Section 5(3) of *The Municipal Act, 2001*, S. O. 2001 c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 11 of *The Municipal Act, 2001*, S. O. 2001 c.25, as amended authorizes a municipality to pass by-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs;

AND WHEREAS Section 63 of *The Municipal Act, 2001*, S. O. 2001 c.25, as amended authorizes a municipality, if the municipality passes a by-law 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 Section 425 of *The Municipal Act, 2001*, S. O. 2001 c.25, as amended establishes that any person who contravenes any by-law of a municipality is guilty of an offence.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

PART 1 DEFINITIONS AND REGULATIONS

1. TITLE

This By-law shall be known as the "Halton Hills Election Sign By-law"

2. INCLUSIONS

The following Signs are regulated by this By-law:

- 2.1 Election Signs located on all privately owned properties within the Town of Halton Hills.
- 2.2 Election Signs located on any public Road Allowance or property under the jurisdiction of the Town of Halton Hills.

3. DEFINITIONS

In this By-law:

"Boulevard" means that part of the highway situated between the edge of the roadway and the property line of the lot abutting the highway, but does not include a sidewalk, shoulder or Multi Use Trail;

"Boulevard Sign" means a Portable Sign placed on the boulevard portion of the Road Allowance between the sidewalk and building or at least 2.4 metres (8 feet) back from Curb Line during the business hours of the advertised business.

"Campaign Office" means a building or structure, or part thereof, used by a candidate to conduct an election campaign;

“Candidate” means a person who has been nominated under the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996;

“Collector Road” are roads designated as such by the Regional Municipality of Halton;

“Corner Daylight Triangle” means a triangular area formed by the intersection of the lateral property lines abutting roadways and a straight line connecting them 3 metres from their point of intersection;

“Detached Dwelling” has the same definition as contained in the Town of Halton Hills Zoning By-Law;

“Driveway Daylight Triangle” means a triangular area formed by the intersection of the lateral limit of the driveway and the nearest lateral property line and a straight line connecting them 1 metre from their point of intersection;

“Election Sign” means any sign promoting, opposing or taking a position with respect to:

- (i) Any candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
- (ii) An issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
- (iii) A question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*.

“Election Sign Permit” means a permit issued under this By-law;

“Highway” includes a common public highway, street, avenue, parkway, lane, alley, roadway, driveway, square, place, bridge, viaduct or trestle designed and intended for use by the general public for the passage of vehicles and includes the area between the lateral property lines;

“Intersection Pedestrian Signal” means traffic control signals or a stop sign;

“Minor Arterial” are roads designated as such by the Regional Municipality of Halton;

“Multi-Purpose Arterial” are roads designated as such by the Regional Municipality of Halton.

“Officer” means a Police Officer, Municipal Law Enforcement Officer, the Fire Chief or other Person appointed by by-law to enforce the provisions of this By-law;

“Owner” means the person who places or permits the placing of an election sign or any person described on the sign, whose name, address or telephone number is on 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 an election sign;

“Park” for the purposes of this By-law shall include any land and land covered by water and all portions or premises under the control or ownership of the Town for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities and improvements located in or on such land;

“Park, Parked, Parking” means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise for passengers;

“Person” means an individual, corporation, or association, and includes a registered third party;

“Place” means attach, install, erect, build, construct, reconstruct, move, display, or affix in any manner;

“Private Property” means real property that is not a highway or public property;

“Public Property” means real property owned or under the control of the Town of Halton Hills, Region of Halton, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of this By-law, does not include a highway, and does not include a property where one or more persons reside on the public property;

“Registered Third Party” means an individual, corporation or trade union which has filed a notice of registration as required pursuant to s.88 of the *Municipal Elections Act*;

“Roadway” means that part of a highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders and curbs and gutters;

“School Crossing” means any portion of a roadway designated by a Town by-law, indicated as a school zone by signs on the highway as prescribed by the *Highway Traffic Act*, and Ontario Regulations thereunder, as amended;

“Semi-Detached Dwelling” has the same definition as contained in the Town of Halton Hills Zoning By-Law;

“Sidewalk” means that part of a highway with a surface that is improved, designed or ordinarily used for pedestrians or bicycles and includes a multi-use path;

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message and includes posters, billboards, advertising devices or notices;

“Sign Area” means the area of one side of a sign where copy can be placed;

“Sign Height” means the vertical height of a sign from the finished grade to the highest part of the sign;

“Town” means The Corporation of the Town of Halton Hills;

“Town Clerk” means Town Clerk for the Town of Halton Hills, or his or her designate;

“Voting Day” means voting day as defined by the *Municipal Elections Act, 1996* and Polling Day as defined by the *Canada Elections Act* or the *Elections Act (Ontario)*;

“Voting Place” means a place where electors cast their ballots and:

- (i) When a voting place is located on public property, includes all of the area enclosed by the lot lines of the public property and any highway abutting, and

- (ii) When a voting place is located on private property, includes all of the common elements of the private property and any highway immediately abutting.

“**Writ of Election**” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

4. GENERAL PROHIBITIONS

- 4.1 No Candidate or registered third party shall place or permit to be placed an election sign within the Town of Halton Hills except in accordance with this By-law.
- 4.2 No person shall place or permit to be placed an Election sign without an Election Sign Permit

5. MANDATORY PHYSICAL CHARACTERISTICS OF ELECTION SIGNS

- 5.1 With the exception of a billboard sign and an election sign on vehicles, no person shall place or permit to be placed an election sign that:
 - (a) is illuminated;
 - (b) has a sign area greater than 3 square metres (32 square feet);
 - (c) has a sign height greater than 2.13 metres (7 feet);
 - (d) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
 - (e) impedes or obstructs the Town’s maintenance operations.

6. CONTENTS OF ELECTION SIGNS

- 6.1 Each Election Sign shall identify who is responsible for the messaging as per Section 88.3(2) of the Municipal Elections Act and Section 320 of the Canada Elections Act (S.C. 2000, c.9).
- 6.2 Each Third Party Sign shall identify the name of the registered Third Party, the municipality where the Third Party is registered and a telephone number, mailing address or email address at which the registered Third Party may be contacted, as per Section 88.5(1) of the Municipal Elections Act and Section 320 of the Canada Elections Act (S.C. 2000, c.9).
- 6.3 No person shall display the Town’s logo or the Town’s municipal election logo, in whole or in part, on any Election Sign.

7. SIGNS IN GOOD REPAIR AND SAFE LOCATION

- 7.1 No person shall permit an election sign to be left in a state of disrepair.

8. TIMING

- 8.1 No person shall place or permit to be placed an election sign for a federal or provincial election or by-election earlier than the day the writ of election or by-election is issued.

- 8.2 No person shall place or permit to be placed an election sign for a municipal election more than 45 days prior to voting day, except an election sign which is placed on a campaign office.
- 8.3 No person shall place or permit to be placed an Election Sign prior to payment of the Election Sign Permit Fee.
- 8.4 Election signs may be erected on campaign offices once the candidate has filed his or her nomination with the Town Clerk.
- 8.5 No owner shall fail to remove his/her election sign within 48 hours (2 days) immediately following 11:59 p.m. of the day of the election.

9. SIGNS ON PRIVATE PROPERTY NOT TO OBSTRUCT EXITS, ACCESS

- 9.1 No person shall place or permit to be placed an election sign which obstructs or impedes any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust in a manner that may impede or prevent the free access of emergency personnel to any part of a building including emergency water connections and fire hydrants.
- 9.2 No person shall permit an election sign be located where it will interfere with the safe movement of any vehicle or pedestrian traffic or where it is a general hazard to public safety.
- 9.3 Third party advertisers are only permitted to place signs on private property in accordance with this by-law.

10. ELECTION SIGNS ON PUBLIC PROPERTY AND HIGHWAYS

- 10.1 No candidate shall place or permit to be placed an election sign on public property or in a park.
- 10.2 No candidate shall place or permit to be placed an election sign that:
 - (a) is on a roadway, or on the road allowance of a highway, except for the road allowance of a minor arterial, multi-purpose arterial or collector road;
 - (b) impedes or obstructs the passage of pedestrians on a sidewalk;
 - (c) is less than 10 metres from a roadway on a highway where pedestrians are prohibited;
 - (d) is on a median or island located within the roadway;
 - (e) is within a corner daylight triangle;
 - (f) is within a driveway daylight triangle;
 - (g) is less than 3 metres from a school crossing;
 - (h) is on a trailer;
 - (i) is on a utility pole, tree, fence or gate located on public property;
 - (j) within any urban area, is within 10 metres of any other election sign of the same candidate; or
 - (k) outside the urban area, is within 50 metres of any other election sign of the same candidate.

- 10.3 No candidate shall place or permit to be placed an election sign on a boulevard adjacent to a detached or semi-detached dwelling except where an occupant of the dwelling has agreed to the location and the location is otherwise in compliance with this By-law.
- 10.4 No candidate shall place or permit to be placed an election sign on a highway structure, except a highway structure designed by the Town for posters.
- 10.5 No candidate shall damage or foul a highway or any public structure when placing an election sign.

11. NO SIGNS AT VOTING PLACE, ON PARKED VEHICLES, OR OUTSIDE CANDIDATE'S WARD

- 11.1 No person shall place or permit to be placed at a voting place an election sign on any day when electors are voting.
- 11.2 No person shall place on or affix to or permit to be placed on or affixed to a motor vehicle, an election sign, where the motor vehicle is parked at a voting place on any day when electors are voting.
- 11.3 No person shall place on or affix to or permit to be placed on or affixed to a motor vehicle, an election sign, where the motor vehicle does not have a valid Ontario license plate affixed to it.
- 11.4 No person shall place or permit to be placed an election sign outside of the ward where that candidate is running for office, except if it is a sign erected at the candidate's campaign office.

12. REMOVAL AND DESTRUCTION OF ELECTION SIGNS

- 12.1 The Town Clerk or an Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 12.2 The Town Clerk and/or Officer may destroy any Election Signs which have been removed and not claimed and retrieved by the Candidate, persons, or Owner within the time period as prescribed by the Town Clerk.
- 12.3 The Town Clerk may make regulations under this by-law prescribing the rules and procedures for the retrieval and destruction of Election Signs removed under sections 9.1 and 9.2 including, without limitation, the form of and any information required to be provided to the Town Clerk and/or an Officer to authorize the release of an Election Sign, dates on or by which an Election Sign may be retrieved or destroyed, and the manner in which notice may be given to an Owner relating to the retrieval and destruction of an Election Sign.

13. CANDIDATE RESPONSIBLE FOR ELECTION SIGNS OF CANDIDATE

- 13.1 The registered third party, or the candidate, to whom an election sign relates shall be responsible for the erection and display of the election sign and shall ensure that all the requirements of this by-law are met.

14. ADMINISTRATION

- 14.1 The administration of this By-law is delegated to the Town Clerk.
- 14.2 Any person seeking an Election Sign Permit shall submit to the Town Clerk;
 - (a) A completed application form;
 - (b) The applicable fee or charge; and
 - (c) Any further applicable information and material required by the Town Clerk;
- 14.3 The Town Clerk may issue an Election Sign Permit if all applicable requirements are satisfied.

15. ENFORCEMENT

- 15.1 This by-law may be enforced by a Municipal Law Enforcement Officer.
- 15.2 Any provision of this By-law found to be ultra vires shall be deemed to be severable and the balance of the By-law deemed to continue in full force and effect.

16. OFFENCE AND PENALTY

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

17. FORCE AND EFFECT

- 17.1 This by-law shall come into force and effect on the day it is passed.

BY-LAW read and passed by the Council for the Town of Halton Hills this 13th day of December, 2021.

Originally Signed By:

MAYOR – RICK BONNETTE

Originally Signed By:

TOWN CLERK – VALERIE PETRYNIAK