

Township of South-West Oxford

By-Law Number 20-2022

**A By-Law to manage and regulate election signs within the
Township of South-West Oxford**

(Election Sign By-Law)

Whereas the *Municipal Act, 2001*, as amended, section 11 authorizes the Corporation of the Township of South-West Oxford to pass By-Laws respecting highways over which it has jurisdiction, and to pass By-Laws respecting signs;

And Whereas the *Municipal Act, 2001*, as amended, section 63 authorizes the Corporation of the Township of South-West Oxford, 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 the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 provides provisions for election campaign advertising which includes but is not limited to election signs;

And Whereas By-Law No. 41-2009 was enacted and passed to regulate or prohibit signs and other advertising devices within the municipality;

And Whereas the Council of the Township of South-West Oxford deems it necessary to remove the election sign provisions currently in By-Law No. 41-2009 and form a separate By-Law for regulation of election signs for the purpose of preventing the unlimited proliferation of signs on highways and property that would create dangerous and undesirable situations, and to reflect the addition of Third-Party Advertisers as per the *Municipal Elections Act*;

And Whereas the *Municipal Act, 2001*, as amended, section 425 establishes that any person who contravenes any By-Law of the Corporation of the Township of South-West Oxford is guilty of an offence;

Now therefore the Council of the Corporation of the Township of South-West Oxford enacts as follows:

1. Short Title of By-Law

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

2. Definitions

a) **Billboard Sign** means any billboard legally established under the Township of

South-West Oxford Sign By-Law;

- b) **Boulevard** means that portion of every highway or street which is not used as a sidewalk, driveway access, or travelled roadway or shoulder;
- c) **Campaign Office** means a building or structure, or part thereof, used by a candidate to conduct an election campaign;
- d) **Candidate** means a person who has been nominated under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
- e) **Clerk** means the Municipal Clerk as appointed by the Council of the Township of South-West Oxford, or his or her designate;
- f) **Election Sign** means any sign promoting, opposing, or taking a position with respect to:
 - i) Any candidate in an election under 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*.
- g) **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place and includes any bridge, trestle, viaduct, or other structure forming part of the highway and includes the boulevards and any area between the lateral property lines of the highway under the jurisdiction of the Township of South-West Oxford;
- h) **Intersection Pedestrian Signal** means traffic control signals or a stop sign;
- i) **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;
- j) **Municipal Law Enforcement Officer** means a person appointed as such, and shall include an officer of the Ontario Provincial Police;
- k) **Park** for the purposes of this By-Law shall include any land or premises under the control or ownership of the Township 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;
- l) **Person** means an individual, corporation, or association and includes a registered third party;
- m) **Place** means to attach, install, erect, build, construct, reconstruct, move, display, or affix in any manner;
- n) **Private Property** means real property that is not a highway or public property;
- o) **Public Property** means real or material property owned or under the control of the

Township of South-West Oxford or any of its agencies, boards, or commissions including highways, boulevards, road allowances, roadside ditches, parks, gardens and shall be deemed to include public utilities facilities regardless of whether the poles are owned by or under the control of the Township of South-West Oxford and shall also be deemed to include benches, municipal garbage containers, or other structures located on a highway regardless of whether the containers or structures are owned by the Township;

- p) **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*;
- q) **Roadway** means that part of a highway improved, designed, or ordinarily used for vehicular traffic including reserved lanes, municipal rights of way, shoulders and curbs and gutters;
- r) **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;
- s) **“Sight Triangle”** means the triangular space formed of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along 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 line or the intersection of the tangents to the street lines;
- t) **Sign** means any surface, structure, and other component parts which are used or capable or being used as a visual medium to attract attention to a specific subject matter or to create a design to convey a message and includes posters, billboards, advertising devices, or notices;
- u) **Sign Area** means the area of one side of a sign where copy can be placed;
- v) **Sign Height** means the vertical height of a sign from the finished grade to the highest part of the sign;
- w) **Township** means the Corporation of the Township of South-West Oxford;
- x) **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.
- y) **Voting Day** means voting day as defined by the *Municipal Elections Act, 1996* and polling day as defined by the *Federal Elections Act* or the *Elections Act (Ontario)*.

3. General Prohibitions

- 3.1 No person shall place or permit to be placed an election sign except in accordance with this By-Law.
- 3.2 Prior to any election sign being erected within the Township of South-West Oxford, candidates and Third-Party Advertisers must be registered with the Clerk, or designate, of the Township of South-West Oxford in accordance with the requirements of the *Municipal Elections Act, 1996*.

Maximum Size and Height

- 3.3 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 Township's maintenance operations.
- 3.4 All parties, including candidates and Third-Party Advertisers, shall comply with the sign and advertisement requirements set out in Section 88 of the *Municipal Elections Act*, as amended.
- 3.5 All candidate election signs and advertisements purchased by or under the direction of a candidate shall identify the candidate.
- 3.6 All election signs supplied by a Third-Party Advertiser shall contain the following information:
 - a) A name of the registered third party;
 - b) The municipality where the registered third party is registered;
 - c) A telephone number, mailing address, or email address at which the registered third party may be contacted regarding the advertisement.

4. Signs on Private Property Not to Obstruct Exits or Access

- 4.1 No person shall affix, erect, or otherwise display an election sign on private property without the expressed consent of the owner or tenant of the property.
- 4.2 No person shall place or permit to be placed an election sign which obstructs or impedes any fire escape, fire exit, door, window, 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.

- 4.3 No person shall permit an election sign to 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.

5. Signs in Good Repair and Safe Location

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

6. Timing

- 6.1 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.
- 6.2 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.
- 6.3 Election signs may be erected on campaign offices once the candidate has filed his or her nomination with the Clerk.
- 6.4 No owner shall fail to remove his or her election sign within 72 hours (3 days) immediately following 11:59 p.m. of the day of the election.

7. Election Signs on Public Property and Highways

- 7.1 No person shall place or permit to be placed an election sign on public property or in a park.
- 7.2 No person shall place or permit to be placed an election sign that:
- a) Is on a roadway;
 - 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 sight triangle;
 - f) In addition to a sight triangle, any location that would, by reason of size or location, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device or any other sign authorized pursuant to the Sign By-Law so as to endanger any person or risk damage to any vehicle;
 - g) Inside or outside of a municipal facility or an associated property;
 - 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.

7.3 No person shall place or permit to be placed an election sign on a highway structure.

7.4 No person shall damage or foul a highway, or any public structure, when placing an election sign.

No Signs at a Voting Place, on Parked Vehicles, or Outside Candidate's Ward

7.5 No person shall place or permit to be placed an election sign at a voting place.

7.6 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.

7.7. 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.

7.8 No person shall place or permit to be placed an election sign outside the ward where that candidate is running for office, except if it is a sign erected at the candidate's campaign office.

7.9 Candidate and Third-Party advertisements for those seeking office in a municipality or other jurisdiction other than the Township of South-West Oxford are not permitted within the geographical limits of the Township.

7.10 No person shall display the Township's logo or the Township's municipal election logo, in whole or in part, on any election sign.

8. Removal and Destruction of Election Signs

8.1 The Clerk or a Municipal Law Enforcement Officer may remove any election sign erected in contravention of this By-Law without notice.

8.2 The Township may recover the expense for the removal of an election sign under this By-Law from the Owner of such sign, and may commence proceedings against the Owner to recover such costs.

8.3 Election signs removed in accordance with this By-Law may be destroyed or otherwise disposed of by the Township without notice and without compensation to the party.

Candidate Responsible for Election Signs of Candidate

- 8.4 The registered third party or the candidate, as the case may be, 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.

9. Administration

- 9.1 The administration of this By-Law is delegated to the Clerk.
- 9.2 The Township of South-West Oxford shall not be liable for any damage or loss to any signs for the purpose of an election campaign that was displayed in accordance with this By-Law or that was removed by an Officer of the Township of South-West Oxford.

10. Enforcement and Removal of Signs

- 10.1 The Township reserves the right to remove, without notice to any person including the candidate or Third-Party Advertiser, any election sign which it deems to be a hazard to the traveling public or to any person regardless of its compliance to this By-Law.
- 10.2 Candidates or Third-Party Advertisers that have been requested to remove an election sign by the Township must remove the sign within twelve (12) hours of the request being made. If not removed within the requested timeframe, the Township reserves the right to remove the sign without any further notice to the candidate or Third-Party Advertiser.
- 10.3 This By-Law may be enforced by a Municipal Law Enforcement Officer.
- 10.4 This By-Law only regulates election signs located within the jurisdiction of the municipality. Any signs located on a County Road must abide by the County of Oxford Sign By-Law or any other applicable Provincial or Federal Statute or Regulation.
- 10.5 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.

11. Offence and Penalty

- 11.1 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*.

12. Force and Effect

- 12.1 That Section 3.07(d) of By-Law No. 41-2009 be hereby repealed, including any reference to election signs throughout such By-Law.

12.2 This By-Law shall come into force and effect on the day it is passed.

Read a First and Second time this 19th day of April, 2022.

Read a Third time and Finally Passed this 19th day of April, 2022.



Mayor: David Mayberry



Clerk: Julie Forth