

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2018-0021 (EL-1)

BEING A BY-LAW TO MANAGE AND REGULATE
ELECTION SIGNS IN THE TOWN OF GEORGINA

Whereas subsection 11(3), paragraph 1 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes The Corporation of the Town of Georgina to pass by-laws respecting highways over which it has jurisdiction; and,

Whereas subsection 11(3), paragraph 7 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Georgina to pass by-laws respecting signs; and,

Whereas subsection 63(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Town of Georgina, 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 section 425 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of The Corporation of the Town of Georgina is guilty of an offence;

Now therefore, the Council of The Corporation of the Town of Georgina 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. Scope

2.1 Where provisions in this by-law conflict with a provision from any other Town of Georgina by-law, the provisions of this By-law take precedence with respect to Elections Signs.

3. Definitions

In this By-law:

“Billboard sign” means an outdoor sign maintained by a person engaged in the sale or rental of space on the sign to a client, upon which advertising of a business, activity, goods, products, services or facilities is not located or offered on the premises.

“Boulevard” means that part of a highway from the edge of the roadway to the nearest lateral property line of the highway.

“Campaign Advertisements” means an advertisement in any broadcast, print, electronic or other medium, purchased by or under the direction of a candidate or registered third party.

“Campaign Office” means a building or structure, or part of a building or structure, used by a candidate or registered third party to conduct campaign activities.

“Canada Elections Act” means the federal statute cited as the *Canada Elections Act*, S.C. 2000, c.9, as amended.

“Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.

“Council” means the Council of the Corporation of the Town of Georgina.

“Election Act” means the Ontario provincial statute cited as the *Election Act*, R.S.O. 1990, c.E.6, as amended.

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

- (a) A question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;
- (b) An issue associated with a person or political party participating in an election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*; or,
- (c) A Candidate or political party participating in an election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;

Election signs include signs placed by a registered third party.

“Fascia Sign” means a sign applied to or erected on and entirely supported by the wall of a building or structure.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, location 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.

“Intersection Pedestrian Signal” means traffic control signals and/or a stop sign.

“Mobile Sign” means a non-illuminated sign designed to be capable of being readily moved from one location to another is usually built on a trailer or other solid platform and may include wheels.

“Municipal Elections Act” means the Ontario provincial statute cited as the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended.

“Municipal Law Enforcement Officer” means a person appointed by Council as a Municipal Law Enforcement Officer and shall also include an officer of the York Regional Police Service.

“Owner” means a candidate, third party, or registered third party 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” means any land or premises under the control and/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.

“Person” means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, trade union, or municipality.

“Place” means to: attach, install, erect, build, construct, reconstruct, move, display or affix. “Places” and “Placing” shall have the same meaning.

“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 Georgina, Region of York, 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 or where one or more persons reside on the public property.

“Registered Third Party” means one of the following and whose notice of registration has been certified with the Clerk pursuant to section 88.6 of the *Municipal Elections Act*:

- (a) An individual who is normally a resident in Ontario;

- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario.

“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 by-law of the Town, indicated as a school zone by signs on the highway as prescribed by the *Highway Traffic Act*, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended and as may be amended from time to time.

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

“Sight triangle” means in the case of a corner lot, 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, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines. See Diagram 1 in Schedule A.

“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.

“Third Party” means any person who is not a registered candidate, political party, or constituency association who incurs expenses with respect to a third party advertisement.

Third Party Advertisement” means an advertisement under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act* in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing:

- (a) A certified candidate or a political party participating in an election under the *Canada Elections Act*, the *Elections Act* or the *Municipal Election Act*; or
- (b) A “yes” or “no” answer to a question on a ballot.

Third party advertisement does not include an advertisement by or under the direction of a Candidate.

“Town” means The Corporation of the Town of Georgina.

“Town Clerk” means the Town Clerk/Returning Officer for the Town of Georgina or his or her designate.

“Trade Union” means a trade union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.

“Voting Day” means the day on which the final vote is to be taken in an election.

“Voting Location” means a location designated in accordance with the *Municipal Elections Act*, *Election Act*, or *Canada Elections Act* where electors cast their ballots and:

- (a) When a voting location is located on public property, includes all of the area enclosed by the lot lines of the public property and any highway abutting; and,
- (b) When a voting location is located on private property, includes all of the common elements of the private property and any Highway immediately abutting.

“Voting Location” shall also include any location that has been established as a voter location by the Clerk.

4. General Prohibitions

4.1 No owner or person shall place or permit to be placed a sign except in accordance with this By-law.

4.2 No owner shall place or permit to be placed an election sign that:

- (a) Is illuminated, has flashing lights, or rotating parts;
- (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- (c) Impedes or obstructs the Town’s maintenance operations;
- (d) Is on a roadway;
- (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (f) Is less than 10 metres (32.8 feet) from a roadway on a highway where pedestrians are prohibited;

- (g) Is on a median or island located within the roadway or a roundabout;
- (h) Is within a sight triangle;
- (i) Is less than 3 metres (9.8 feet) from a school crossing;
- (j) Is less than 30 metres (98.4 feet) from an intersection pedestrian signal;
- (k) Is between the curb and the sidewalk, where there is a sidewalk;
- (l) Is located within 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a roadway and where there is a sidewalk, not within 0.6 metres (2 feet) of such sidewalk;
- (m) Is on a trailer;
- (n) Simulates any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
- (o) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
- (p) Is affixed to public utility poles, telephone pole, hydro pole, light standard or any other utility infrastructure using items such as, but not limited to: nails, screws, tacks, staples, glue or wire;
- (q) Is in a state of disrepair or is located where it is a general hazard to public safety;
- (r) Is placed on, painted on, attached to, or supported by a tree, stone or other natural object;
- (s) Be placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a Highway; or,
- (t) Be placed on a boundary fence line or noise attenuation wall which is located on public property.

4.3 Clause 4.2(l) does not apply when the sidewalk is less than 0.6 metres (2 feet) from the main wall of the building, in which case the election sign shall be placed at the furthest distance possible from the sidewalk or from the face of the curb or edge of pavement.

- 4.4 No owner shall place or permit to be placed, a billboard sign or an election sign on a vehicle that:
- (a) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
 - (b) Impedes or obstructs the Town's maintenance operations;
 - (c) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - (d) Is within a sight triangle;
 - (e) Simulates any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
 - (f) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - (g) Is in a state of disrepair or is located where it is a general hazard to public safety; or,
 - (h) Be placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a highway.
- 4.5 No candidate or registered third party shall place or permit to be placed an election sign, that is visible, in or on a vehicle that is parked or stopped on the property of any premise used as a voting location on any voting day, including during the advanced voting days or period.
- 4.6 No owner shall display, on any election sign, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the Town.
- 4.7 Mobile signs are not permitted to be used as election signs.
- 4.8 No owner shall display, place or permit to be placed an election sign on or in a voting location or the abutting municipal boulevard.
- 5. Election signs**
- 5.1 No candidate or registered third party shall place or permit to be placed an election sign without obtaining a registration from the Town Clerk.

- 5.2 Subject to subsection 5.1, an owner shall only place or permit to be placed an election sign for a federal or provincial election or by-election the day after the writ of an election or by-election is issued.
- 5.3 Subject to subsection 5.1, an owner shall only place or permit to be placed an election sign for a municipal election after the candidate has filed his or her nomination with the Town Clerk, or in the case of a registered third party, registered with the Town Clerk, and no earlier than:
- (a) 10:00 AM 28 calendar days (4 weeks) prior to voting day in the year of a regular election or by-election; or,
 - (b) 10:00 AM Nomination Day for a by-election, if Nomination Day is less than 28 calendar days (4 weeks) prior to voting day.
- 5.4 Despite subsections 5.2 and 5.3, an election sign which is a fascia sign may be placed to the face of the building or building unit which is used as a campaign office provided that:
- (a) The sign complies with the fascia sign provisions of the Town's sign By-law as amended from time to time;
 - (b) The candidate has filed his or her nomination with the Town Clerk, or in the case of a registered third party, registered with the Town Clerk and paid the applicable nomination filing fees; and,
 - (c) Submitted a permit and paid the permit fee in accordance with subsection 5.1.
- 5.5 Election signs placed or permitted to be placed by a registered third party shall include the following information in accordance with the *Municipal Elections Act*:
- (a) The name of the registered third party;
 - (b) The municipality where the third party is registered; and,
 - (c) A telephone number, mailing address, or email address to contact the registered party.
- 5.6 Election signs placed or permitted to be placed by a registered third party shall include the necessary information required in accordance with the *Canada Elections Act* or, the *Election Act*, as the case may be.
- 5.7 A third party that does not register and pay the fee specified in Schedule B and in accordance with the *Municipal Election Act*, *Election Act*, or *Canada Elections Act*, is not permitted to place election signs.

- 5.8 Election signs shall not display or contain the Town of Georgina's logo, crests, or seal in whole or in part.

6. Size

- 6.1 With the exception of a billboard sign, an election sign shall only have a maximum:

- (a) Height of 1.22 metres (4 feet); and,
- (b) Width of 1.22 metres (4 feet).

7. Private Property

- 7.1 Subject to subsection 4.2, election signs are permitted on private property, provided that:

- (a) The property owner, tenant, or occupant of the property consents;
- (b) The election sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
- (c) No election sign shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to: emergency water connections, or fire hydrants.

- 7.2 No owner shall place or permit to be placed an election sign on a right-of-way adjacent to a private residence unless permission has been granted by someone in the household, who is not a minor.

8. Public Property

- 8.1 In addition to the limitations in subsection 4.2, an owner shall not place or permit to be placed an election sign on public property at any of the intersections listed in accordance with Schedule A of the Regional Municipality of York's Sign By-law 2015-36, as amended from time to time.

- 8.2 No owner shall place or permit to be placed an election sign:

- (a) On in any park or other open space owned, operated or controlled by the Town; or

(b) On any building or structure owned or operated by the Town

9. Election signs on Highways

- 9.1 No owner shall place or permit to be placed an election sign on a highway structure, except on a Highway structure designated by the Town for posters.
- 9.2 No owner shall place or permit to be placed an election sign on that portion of the boulevard that abuts public property.
- 9.3 No owner shall dig, drill or drive into asphalt, concrete, brick or any other hard improved surface on a highway when placing an election sign.
- 9.4 No owner shall drill or drive into a wooden, metal, concrete or other highway structure when placing an election sign.
- 9.5 No owner shall place a sign on a Highway that is more than 2.5 meters above ground level.

10. Removal of Election signs

- 10.1 every person shall remove from the property his, her or its election sign within 72 hours (3 days) immediately following voting day.
- 10.2 The Town Clerk and/or a Municipal Law Enforcement Officer may remove any election sign placed in contravention of this By-law without notice.
- 10.3 Any election signs removed pursuant to this By-law shall not be returned by any person until after Election Day. An owner, or any person acting on behalf of the owner may, at any time within 30 days after voting day, retrieve the election sign at no cost.
- 10.4 The Town Clerk and/or a Municipal Law Enforcement Officer may destroy any election signs which have been removed and not claimed and retrieved by the owner within 30 days from Election Day without notice and/or compensation to any party.
- 10.5 The Town may recover the expense for the removal of an election sign under subsection 10.2 of this By-law from the owner of such sign or signs and may commence proceedings against the owner to recover such costs.

11. Order

11.1 If a Municipal Law Enforcement Officer is satisfied that this By-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

11.2 An Order to Discontinue Activity shall set out:

- (a) The municipal address of the property on which the contravention occurred;
- (b) The date of the contravention;
- (c) The reasonable particulars of the contravention of the by-law; and,
- (d) The date by which there must be compliance with the order.

11.3 No Person shall contravene an Order to Discontinue Activity.

12. Service of Order

12.1 The Order to Discontinue Activity may be served by:

- (a) Personally on the person to whom it is directed;
- (b) Registered mail or regular mail to the last known address of that person, in which case it shall be deemed to have been given on the fifth day after it is mailed; or,
- (c) E-mail to the last known e-mail address of that person, in which case it shall be deemed to have been given on the day after it is e-mailed.

13. Power of Entry

13.1 The Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this By-law;
- (b) An Order issued under this By-law; or,
- (c) An Order made under Section 431 of the Municipal Act.

- 13.2 Where an inspection is conducted by the Town, the person conducting the inspection may:
- (a) Require the production of documents or relevant items for inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) Require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and,
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 13.3 The Town may undertake an inspection pursuant to an Order issued under Section 438 of the Municipal Act.
- 13.4 The Town's power of entry may be exercised by an employee, inspector or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.
- 13.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.
- 13.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.
- 14. Offence, Penalty and Presumption**
- 14.1 Every person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and liable to a fine pursuant to the Provincial Offences Act, as amended,
- 14.2 If an Election sign has been placed or displayed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 14.3 For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

- 14.4 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 14.5 Where a sign or election sign is placed or displayed in contravention of any provision of this bylaw, any person or owner named on the sign or election sign shall be presumed to have been the person or owner who placed or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 14.6 Where a sign or election sign is placed or displayed in contravention of any provision of this By-law, and the sign or election sign has no person's or owner's name on it, but a telephone number appears on the sign or election sign, any person or owner to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the person or owner who placed or displayed the sign, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 14.7 Where a sign or election sign is placed or displayed by a third party or registered third party in contravention of any provision of this By-law, the corporation, trade union, or an individual of the third party or registered third party shall be presumed to have knowingly concurred in the placement or displaying of the sign in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 14.8 Where an authorized officer or Municipal Law Enforcement Officer has reasonable grounds to believe that an offence has been committed by any person or owner, the authorized officer or Municipal Law Enforcement Officer may require the name, address and proof of identity of that person or owner, and the person or owner shall supply the required information.

15. Enforcement

- 15.1 This By-law may be enforced by the Municipal Law Enforcement Officer or by any other person appointed by the Town for the purpose of enforcing this By-law.

16. Severance

- 16.1 If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to separate and independent and shall continue in full force and effect.

17. Indemnification

- 17.1 The candidate, owner, registered third party or third party shall indemnify and hold harmless the Town and/or the Region (and the respective officers, Council members, partners, agents and employees of the Town and/or the Region) from and against:
- (a) all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the Town and the Region, and
 - (b) against all losses, damages, liabilities, judgements, claims, suits, demands or expenses which the Town and/or the Region may sustain, suffer or be put to, resulting from or arising out the issuance of the permit or the actions of the candidate, owner, registered third party or third party. This indemnification shall include but is not limited to any legal costs incurred by the Town and/or the Region on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the Town and/or the Region resulting from the actions of the candidate, owner or registered third party or third party.

18. Administration

- 18.1 The Town Clerk is responsible for the administration of this By-law

19. Force and Effect

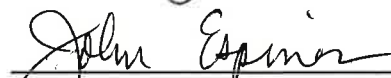
- 19.1 This By-law shall come into force and effect on the day it is passed.

20. Repeals

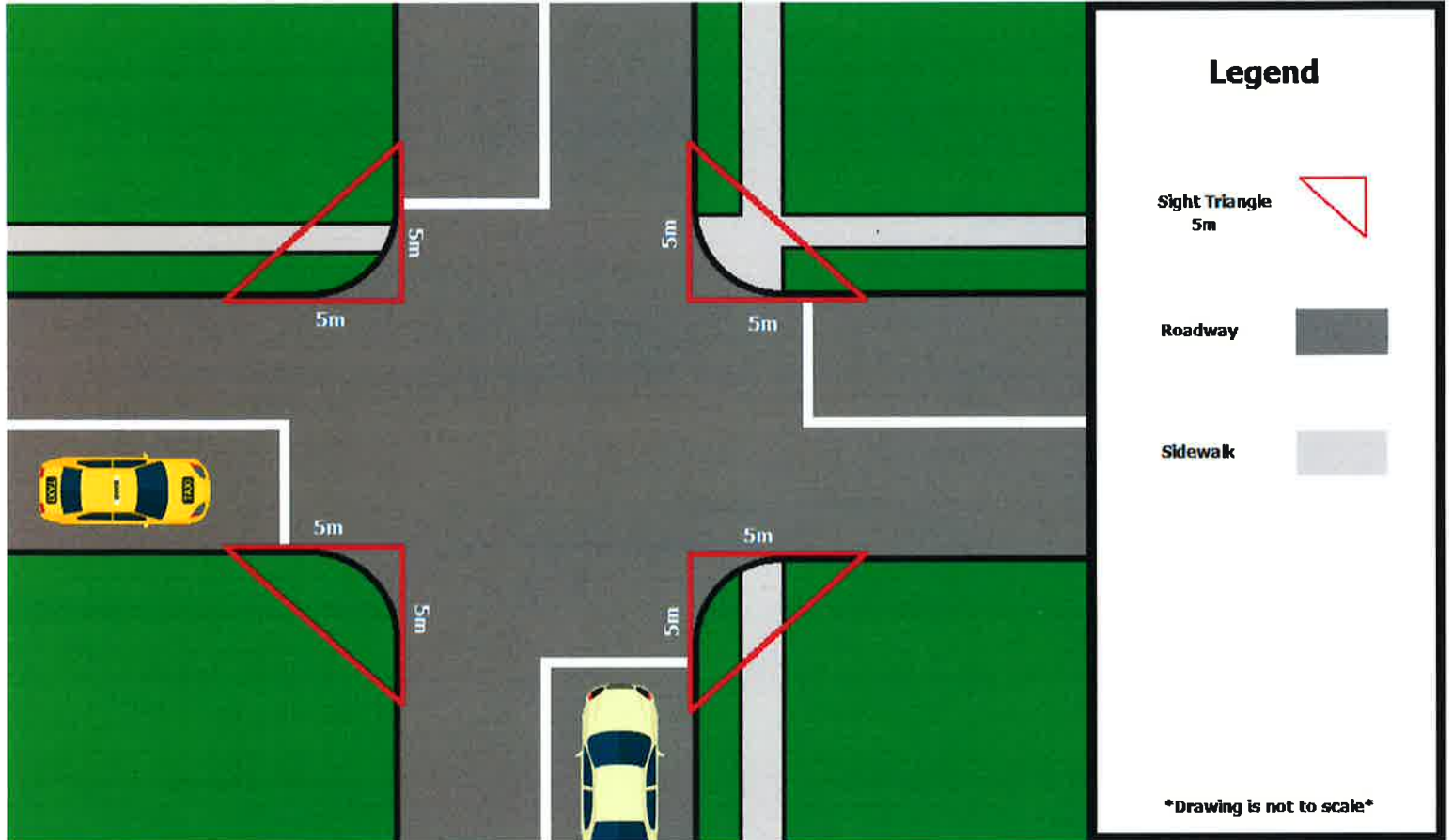
By-law 2010-0077 (EL-1) is hereby repealed.

READ and enacted this 7th day of March, 2018


Margaret Quirk, Mayor


John Espinosa, Town Clerk

Schedule A
Diagram 1 - Sight Triangle



Schedule B

Item	Fee
Election Sign Permit Fee for all Registered Third Parties	\$250.00 Non-refundable fee