

CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NUMBER 87 OF 2021

BEING A BY-LAW TO REGULATE ELECTION SIGNS

WHEREAS Section 11(3) of The Municipal Act, 2001, as amended, authorizes a municipality to pass by-laws respecting structures including fences and signs;

AND WHEREAS Section 99(2) and (3) of The Municipal Act, 2001, as amended, provides that the municipality may enter land and remove signs at the expense of the owner of the sign if it is erected or displayed in contravention to this 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 the Council of the Municipality of Lambton Shores deems it necessary to enact a by-law to regulate the placement of election signs;

THEREFORE the Council of the Municipality of Lambton Shores enacts as follows:

1. DEFINITIONS

- 1.1 Campaign office means a building or structure, or part thereof, used by a candidate to conduct an election campaign;
- 1.2 Election sign means any sign promoting, opposing or taking a position with respect to:
 - a) Any candidate or political party in an election under the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 1996;
 - b) 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;
 - c) 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.
- 1.3 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 Municipality of Lambton Shores;
- 1.4 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;
- 1.5 Public property means real or material property owned or under the control of the Municipality of Lambton Shores, not including highways, boulevards and road allowances, and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Municipality 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 Municipality.

- 1.6 Registered third party means an individual, corporation or trade union which has filed a notice of registration as required pursuant to Section 88 of The Municipal Elections Act;
- 1.7 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;
- 1.8 Voting place means a place where electors cast their ballots and:
- a) 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
 - b) When a voting place is located on private property, includes all of the common elements of the private property and any highway immediately abutting.

2. GENERAL PROHIBITIONS

- 2.1 No person shall place or permit to be placed an election sign except in accordance with this by-law.
- 2.2 No person shall display the Municipality's logo or the Municipality's municipal election logo, in whole or in part, on any election sign.
- 2.3 Prior to any election sign being erected within the Municipality of Lambton Shores, candidates and registered third party advertisers shall submit a deposit fee of \$ 250 to the Clerk, or designate, in the form of cash, debit or cheque payable to the Municipality of Lambton Shores.
- 2.4 Sign deposits are due and payable at the time of the filing of nomination papers or prior to the erection of any election sign.
- 2.5 For election candidates, provided all of the candidate's election signs have been removed as required by this by-law following the election, and provided the candidate is not subject to any election sign prosecution for contravention of this by-law, the candidate may obtain a refund of the election sign deposit.
- 2.6 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 meters (32 square feet);
 - c) has a sign height greater than 2.13 meters (7 feet);

3. LOCATION

- 3.1 No person shall place or permit to be placed an election sign on public property.
- 3.2 No person shall place or permit to be placed an election sign that:
- a) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
 - b) is on a median or island located within the roadway;
 - c) is within 10m of any intersection of public roads
 - d) inside or outside of a municipal facility or on associated property;
 - e) is on a utility pole, tree, fence or gate located on public property;
 - f) impedes or obstructs the municipality's maintenance operations.
 - g) within any urban area, is within 10 meters of any other election sign of the same candidate;

h) outside the urban area, is within 50 meters of any other election sign of the same candidate.

3.3 No person shall place or permit to be placed an election sign that:

- a) is at a voting place;
- b) within 100m of a voting place;
- c) is on a vehicle that is parked at any voting place;
- d) is on a street in front of any voting place;

3.4 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.

3.5 Candidate and third party advertisements for those seeking office in a municipality or other jurisdiction other than the Municipality of Lambton Shores are not permitted within the geographical limits of the Municipality.

4. TIMING

4.1 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.

4.2 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.

4.3 Election signs may be erected on campaign offices once the candidate has filed his or her nomination with the Clerk.

4.4 No owner shall fail to remove his/her election sign within 72 hours (3 days) immediately following 11:59 p.m. of the day of the election.

5. REMOVAL OF ELECTION SIGNS

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

5.2 Election signs removed in accordance with this by-law may be destroyed or otherwise disposed of by the Municipality without notice and without compensation to any party.

5.3 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.

5.4 The Municipality 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 travelling public or to any person, regardless of its compliance to this By-law.

5.5 Candidates or third party advertisers that have been requested to remove an election sign by the Municipality must remove the sign within twelve (12) hours of the request being made. If not removed within the required timeframe, the Municipality reserves the right to remove the sign without any further notice to the candidate or third party advertiser.

- 5.6 Election signs removed by the Municipality are subject to the deposit being retained by the municipality as follows:
- a) 1st sign removed - \$35
 - b) 2nd sign removed - additional \$65
 - c) 3rd sign removed - balance of deposit retained by municipality

6. OFFENCE AND PENALTY

- 6.1 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.

7. FORCE AND EFFECT

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

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 30th day of November, 2021.

Mayor

Clerk