

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2010-057-RE

Being a by-law to regulate Election Signs
and repeal By-law 2004-75-RE

WHEREAS Section 11 (3) of the *Municipal Act, 2001*, as amended, permits municipalities to pass by-laws respecting structures, including fences and signs;

AND WHEREAS notice of this By-law was published in a local newspaper on Thursday, March 18 and Thursday, March 25, 2010 and interested persons were given an opportunity to be heard at the meeting of the Council of The Corporation of the Town of Whitchurch-Stouffville on April 6th, 2010;

AND WHEREAS it is deemed advisable to have an Election Sign By-law for the Town of Whitchurch-Stouffville in order to ensure public safety its Highways during an election period;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

Definitions

- 1.1 "Arterial Roads" are Highways that constitute major routes in the network of roadways. They connect industrial and commercial centres and concentrations of residential development. (An example of an arterial road is Stouffville Road);
- 1.2 "Candidate" shall have the same meaning as in the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*, as applicable, and shall be deemed to include a person seeking to influence another person to vote for or against any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*;
- 1.3 "Collector Roads" are Highways that collect traffic from Local Roads and distribute it to other Local Roads, Arterial Roads and sometimes freeways. Full access to adjacent land is usually permitted. (An example of a collector road is Millard Street);
- 1.4 "Daylighting Triangle" means the triangular space formed by intersecting street lines on a corner lot and a line drawn from a point on one of the street lines to a point on the other street line;
- 1.5 "Election Sign" means any sign or other advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof:
 - (a) Which advertises or promotes a Candidate in a federal, provincial or municipal election or by-election including an election of a local board or commissions,
 - (b) Which promotes or relates to any federal, provincial or municipal election, including an election of a local board or commission, or
 - (c) Which uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or by-law submitted to electors under section 8 of the *Municipal Elections Act, 1996*;
- 1.6 "Highway" shall have the same meaning as in the *Highway Traffic Act, R.S.O. 1990 c.H.8*, as amended, shall include a common and public

highway, street, roadway, avenue, gate, alley, court, crescent, boulevard, lane, trail, way, chase, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and shall include the area between the lateral property lines thereof, regardless of whether the travelled portion thereof extends to such property lines;

- 1.7 "Local Roads" are Highways that provide access to properties, trips over which have their origin or destination within the length of the road. (An example of a local road is Dorman Drive);
- 1.8 "Mobile Sign" means any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is the transportation of people, goods or other materials;
- 1.9 "Municipal Law Enforcement Officer" means a person appointed by the Council of the Town for the purposes of enforcing Town by-laws, and for the purpose of this By-law shall include the York Regional Police;
- 1.10 "Public Property" means property owned by or under the control of the Town or any of its agencies, boards or commissions, including Highways;
- 1.11 "Town" means The Corporation of the Town of Whitchurch-Stouffville, or the geographic area thereof, as the context may require.

General

- 2.1 No person shall erect, attach, place or display an Election Sign in the Town, except as permitted by this By-law.
- 2.2 No Candidate shall, for himself or herself, or by his or her agent, erect, install or otherwise use an Election Sign on Public Property without first submitting the \$230 Election Sign deposit fee.
- 2.3 No permits are required by the Town for the erection of Election Signs in the Town.
- 2.4 This By-law shall not apply to signs erected, placed or displayed by the Town to provide information concerning the election or any part of an election process.
- 2.5 Election Signs shall not:
 - (a) Have flashing lights or rotating parts;
 - (b) Illuminate;
 - (c) Simulate any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
 - (d) Use 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;
 - (e) Be affixed to public utility poles using nails, screws, tacks, staples, glue or wire;

- (f) Be painted on, attached to, or supported by a tree, stone or other natural object;
 - (g) Be erected or placed so as to obstruct, impede or interfere with any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust, or any means of access by fire fighters to any part of a building or a fire hydrant;
 - (h) Be erected or placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a Highway; or
 - (i) Display the Town's logo, crest, or seal in whole or in part.
- 2.6 Mobile Signs are not permitted to be used as Election Signs.
- 2.7 No person shall deface or wilfully cause damage to a lawfully erected Election Sign.
- 2.8 No person shall at any time on any election voting day, including those days when advance voting is held:
- (a) Place an Election Sign, or cause an Election Sign to be placed on any premises used as a voting place for elections, or on any Highway adjacent to the voting place; or
 - (b) Place or cause to be placed in or on a vehicle that is parked on any premises used as a voting place for elections an Election Sign that is visible from outside the vehicle.

Election Signs on Public Property

- 3.1 Election Signs are permitted on Highways but not on or within any Public Property other than Highways.
- 3.2 Election Signs shall **not** be located, erected or displayed:
- (a) On any centre median, centre boulevard or traffic island;
 - (b) In any park or other open space owned, operated or controlled by the Town or on the adjacent Highway;
 - (c) On any building or structure owned or operated by the Town, or on the adjacent Highway;
 - (d) So as to obstruct, impair, impede or hinder the movement of vehicular or pedestrian traffic, or the visibility of railway crossings, warning devices and traffic signs or signals; or
 - (e) On a sidewalk.
- 3.3 Election Signs may be erected or displayed on Highways, provided that they are:
- (a) No larger than 2.0 square metres (21.53 square feet) [*for example, 5 feet by 4 feet or 6 feet by 3.5 feet or 7 feet by 3 feet*];
 - (b) No higher than 2 metres (6.56 feet) above ground level;

- (c) Not located within 10 metres (32.81 feet) of another Election Sign for the same Candidate;
 - (d) Located a minimum of 1 metre (3.28 feet) from the outer edge of a sidewalk;
 - (e) Not located within the portion of a Highway between the sidewalk and the roadway where the Highway includes a sidewalk and a roadway;
 - (f) Located a minimum of 1 metre (3.28 feet) from the outer edge of a curb or shoulder, where there is no sidewalk;
 - (g) Not placed in a Daylighting Triangle within 15 metres (49.22 feet) of the point of intersection between the street lines abutting same, at an intersection between any Highway and an Arterial Road or Collector Road;
 - (h) Not placed in a Daylighting Triangle within 8 metres (26.25 feet) of the point of intersection between the street lines abutting same, at an intersection between Local Roads;
 - (i) Not erected or installed so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic;
 - (j) Not erected or installed on any utility box, planter, bench, railing, retaining wall, bridge, overpass, noise attenuation wall, light standard, waste receptacle, newspaper box, mail box, or similar object or structure which has been placed on any Highway; or
 - (k) Not erected or installed on any post, pole or support already containing an official or authorized sign erected by the Town, The Regional Municipality of York, a Conservation Authority, or the Province of Ontario.
- 3.4 Notwithstanding Subsections 3.3(g) and (h), Election Signs may be placed closer to the point of intersection between the street lines abutting a Daylighting Triangle than specified in those Subsections, provided that such Election Signs:
- (a) are no larger than 1.21 square metres (4 square feet);
 - (b) are no higher than 1 metre (3.28 feet) above ground level; and
 - (c) meet all other requirements of this By-law.
- 3.5 Election Signs may only be placed on a Highway adjacent to a residential property with the consent of the owner or occupant of the adjacent residential property.
- 3.6 Candidates are required to complete the Election Sign register included as Schedule "A" to this By-law. Each Candidate shall sign the register and submit it to the Town when such Candidate seeks the return of his or her Election Sign deposit.

Election Signs on Private Property

- 4.1 Election Signs are permitted on private property:
- (a) Only with the consent of the owner or occupant of the property;
 - (b) Provided that the Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and
 - (c) Provided that the Election Sign is not placed in or on a truck, trailer or vehicle that is parked on private property in a manner consistent with the use of the vehicle as a sign.

Timing

- 5.1 Election Signs relating to a Municipal Election shall not be erected or displayed prior to twenty-five days before the Municipal Election. In order to prepare for the placement of Election Signs, the Candidate or his or her agent may make the required \$230 deposit with the Town at any time prior to Nomination Day.
- 5.2 Election Signs relating to a federal or provincial election shall not be erected or displayed until the day that the writ of election is issued. In order to prepare for the placement of Election Signs, the Candidate or his or her agent may make the required \$230 deposit with the Town at any time prior to the issuance of the writ of election.
- 5.3 Despite Sections 5.1 and 5.2, Election Signs may be erected on campaign offices once the Candidate has filed his or her nomination papers and paid the required filing fee.
- 5.4 All Election Signs shall be removed no later than three (3) days following the voting day of the election for which such Election Signs were erected or installed. For the purposes of this subsection, the Candidate shall be responsible for the removal of his or her Election Signs within the prescribed time frame.

Removal of Unlawful Election Signs

- 6.1 If any sign is erected or displayed in violation of this By-law, a Municipal Law Enforcement Officer shall cause the sign to be removed.
- 6.2 Any Election Signs erected or installed in violation of this By-law shall be removed under the direction of the Clerk and a \$10 fee deducted from the refundable portion of the deposit. If the cost to remove a Candidate's Election Signs exceeds the deposit, the Candidate shall be liable for payment of the associated costs.

Offence

- 7.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to the penalties specified by the *Provincial Offences Act*, as amended.

Liability for Damages

- 8.1 Nothing in this By-law shall be construed as relieving or limiting the responsibility or liability of any Candidate or other person who erects or

owns any Election Signs for personal injury or property damage resulting from the placing of such Election Signs, or for the negligence or wilful act or omission of such person, his or her agents or employees, or those for whom he or she is in law responsible, relating to the construction, erection, maintenance, repair or removal of such Election Signs.

Precedence over Election Sign Provisions in other By-laws

9.1 In the event of a conflict between this By-law and any other Town By-law regulating signs, including Election Signs, the provisions of this By-law shall prevail.

Severability

10.1 If any section or part of this By-law is found to be illegal or beyond the power of the Town to enact, such section or part or item shall be deemed to be severable, and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom, and to have been enacted as such.

Effective Date

11.1 This By-law shall take effect on the date of its passage by the Town's Council.

Repeal

12.1 By-law 2004-75-RE is hereby repealed.

READ a first and second time this 6th day of April, 2010

READ a third time and passed this 6th day of April, 2010

Wayne Emmerson, Mayor

Michele Kennedy, Clerk

**Schedule “A”
Election Sign Register (Municipal Public Highways)**

Location (i.e.: Section of Main Street between Hwy 48 and Palmwood Gate)	Sign Quantity	Sign Size (L x H) in	Sign Type: Wood Stake/ Metal Stake/ Other	Date Installed (dd-mm- yyyy)	Initials	Date Removed (dd-mm- yyyy)	Initials
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Confirmed by: _____ Date: _____
Candidate Signature