

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2021-**

### **A By-Law to Regulate the Placement of Election Signs in the City of Kawartha Lakes and Repeal By-law 2018-077**

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#### **Recitals**

1. Section 10 of the Municipal Act, 2001, provides that a single tier municipality may pass by-laws within the spheres of jurisdiction set out therein, inter alia structures, including fences and signs
2. Section 99 of the Municipal Act, 2001, sets out rules that apply to a by-law regulating advertising devices including signs.
3. Section 88.2 and 88.4 of the Municipal Elections Act, 1996, as amended, regulates Candidate signs and Third Party advertisements
4. Section 425 of the *Municipal Act*, 2001, establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;
5. Council deems it appropriate to regulate the placement of election signs.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-XXX.**

#### **Section 1.00: Definitions and Interpretation**

**“Area”** means, when referring to the sign face area, the area of the sign face.

**“By-Law”** means this by-law, as it may be amended from time to time. The recitals to, and the schedules attached to this by-law are considered integral parts of it and enforceable as such.

**“Campaign Headquarters”** means a retail or commercial property where a registered candidate has set up an office to conduct an election campaign in compliance with all other applicable Municipal By-laws.

**“Candidate”** shall have the same meaning as in the Canada Elections Act, 2000, the Elections Act, 1990 (Ontario) or the Municipal Elections Act, 1996, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means the Corporation of the City of Kawartha Lakes and includes its entire geographic area.

**“City Clerk”** means the person within the administration of the City which fulfils the function of the City Clerk as required by the Municipal Act 2001 S. O. 2001 c.25 or his/her designate.

**“Council”** means the municipal council for the City.

**“Curb”** means a concrete edge or border of a roadway.

**“Display”** shall mean, but is not limited to, erect, affix, attach, place or maintain or cause or permit to be erected, affixed, attached, placed or maintained.

**“Driveway”** means the improved land on a road which provides vehicular access from the roadway to adjacent land;

**“Election”** shall mean any federal, provincial or municipal election, including by-elections, and any referendum, question or by-law submitted to the electors and includes an election to a local board or commission.

**“Election Sign”** shall mean any sign, image, words, picture, device, notice or visual medium, or any combination thereof, including without limitation, any poster, placard, bulletin, banner, wearables such as hats, shirts and buttons or vehicle wrap, which identifies, depicts, promotes, advertises or provides information about;

- a) an individual who is a candidate; or
- b) a question or by-law submitted to electors; or

Promotes recognition of or influences persons to vote for or against any candidate or any question or by-law submitted to electors.

For the purpose of clarification, “Election Sign” includes “Vehicle Sign”, and “Ground Mounted Sign” .

**“Ground Mounted Sign”** means an election sign or election sign structure upheld by one or more supports constructed or driven into or onto the ground.

**“Highway”** shall have the same meaning as the Highway Traffic Act, R.S.O. 1990, c.H.8, and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. This definition does not include Provincial Highways 7, 7A, 35, and 115, which shall be regulated exclusively by the Ministry of Transportation.

**“Median Strip”** means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout.

**“Municipal Law Enforcement Officer”** means a person appointed by Council under section 15 of the Police Services Act to enforce the by-laws of the City, and includes the Licencing Officer.

**“Person”** includes, but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person.

**“Place”** means the attachment, installation, erection, displaying, affixing or alteration of a sign.

**“Police”** means a chief of police or other police officer as defined in the Police Services Act, 1990.

**“Public Property”** means property owned by or under the control of the City of Kawartha Lakes or any of its agencies, boards or commissions, including but not limited to public highways, bridges, curbs, driveways, median strips, public utility poles, shoulder, sidewalk, traffic control device, utility pole regardless of whether the pole is owned by or under the control of the City.

**“Public Utility Pole”** means a pole owned or controlled by an entity which provides a municipal or public utility service, including the City, Cogeco, Bell Canada, Hydro One and any subsidiaries.

**“Shoulder”** means that part of the road immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel.

**“Sidewalk”** includes but is not limited to all parts of a road set aside for the use of pedestrians.

**“Sign”** means any surface upon which there is printed, projected or attached any announcement, declaration, or insignia used for direction, information, identifications, advertisement, promotion or promotion of products, activity or services, and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses. Furthermore, this includes flags, banners, posters, placard, advertising devices or any object intended for advertising purposes.

**“Vehicle Sign”** shall mean any form of Election Sign displayed in or on a vehicle or trailer.

**“Sign Face”** means that portion of the sign, excluding the supporting structure, where copy can be placed and may include both sides of the sign.

**“Sign Height”** means the vertical distance from the base at finished grade to the top of the highest attached component of the sign.

**“Third Party Advertisement”** shall mean an advertisement in any broadcast, print, electronic or similar medium that has a purpose of promoting, supporting or opposing a candidate, or a “yes” or “no” answer to a question on the ballot.

**“Registered Third Party”** shall mean an individual, corporation, or trade union that is registered as a third party advertiser with the City Clerk or applicable Returning Officer.

**“Traffic Control Device”** means a sign or pavement marking installed by the City for the purpose of regulating or guiding traffic and pedestrians, and includes traffic control signals.

**“Utility Pole”** includes, but is not limited to, hydro poles, street light poles, telephone poles or other sign poles containing regulatory signs such as parking and fire route.

**“Voting Location”** shall mean a city facility where voting equipment is available and advertised for use for electors to cast their vote and shall include the entire property upon which the voting location is established. For the purposes of this By-law, Kawartha Lakes City Hall, including the surrounding parking lot, located at 26 Francis Street, Lindsay, Ontario, shall be considered as a voting location.

**1.01 Interpretation Rules:**

- a) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- b) References to items in the plural include the singular, as applicable.
- c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

**Section 2.00: Election Signs – General Provisions**

**2.01 Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

**2.02 Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**2.03 Precedence:** Notwithstanding the provisions of this by-law, all election signs shall conform to any signage, advertising, or financial regulations of the Municipal Elections Act, 1996, or relevant Federal or Provincial Act or Statute.

**2.04 Terminology:** No person shall falsely imply incumbency as a candidate who does not currently hold that same office. The following terms are hereby

restricted for usage on election signs or political advertising, except where the defined criteria is met:

- a) **Incumbent** shall only be used if the candidate holds the current office, regardless of whether the individual was appointed or elected.
- b) **Re-Elect** shall only be used if the candidate holds the current office by election (not-appointment) and is seeking an additional consecutive term for the same office. This term shall not be used by candidates seeking election to a different ward divided seat or office on the Council or Local Board than the office they currently hold (Example: An incumbent Councillor for Ward 1, shall not use the term 're-elect' if running for election to the same Council in Ward 2).
- c) **Elect-Again** may be used if the candidate was elected to the same office in the past, but is not the incumbent. If ward boundaries or electoral division boundaries have changed since the last time the candidate held office, the candidate shall only use the term 'elect-again' if the majority of the former geographic area of the office they previously held is contained within the current geographic area of the office they are currently a candidate for.

**2.05: Corporate Resources:** No election sign shall display any active or inactive logo, slogan, tagline, crest, or seal used by City of Kawartha Lakes, or its predecessor municipalities.

## **Section 3.00: Election Signs – Public Property**

**3.01 General:** No person shall at any time place an election sign, or cause an election sign to be placed, in any public park, trail or on any property owned or occupied by the City of Kawartha Lakes or any local board except as permitted by this by-law.

**3.02 Highways:** A person may place or cause to be placed an election sign on a highway in accordance with the following regulations:

- d) **Placement Period:** Placement of election signs along highways or public property, are only permitted during the period 60 days prior to voting day.
- e) **Visibility:** The election sign shall not be placed so as to obstruct the visibility of pedestrians, vehicles, traffic control devices or other regulatory signage, as determined by the City, whose decision shall be final.
- f) **Maximum Sign Size:** The sign area of the election sign shall not exceed 1.5 square metres per side.
- g) **Maximum Sign Height:** The height of election signs shall not exceed 2.0 metres above the surrounding ground.
- h) **Separation Distance:** There shall be a 1 metre separation distance between all election signs when placed in parallel. Where election signs are placed in series, there shall be a minimum of 5 metres separation between signs. Signs shall not be placed directly in front of other lawfully placed signs where the majority of the sign face is obstructed.

- i) **Sidewalk:** No portion of the election sign shall be placed within 0.5 metres of the edge of a sidewalk;
- j) **Shoulder:** Election signs placed on a road without a curb shall be placed at least 1.0 metre outside of the edge of the paved or gravel road shoulder and shall not impede the visibility of pedestrians or traffic;
- k) **Curb:** No portion of the election sign shall be placed in a boulevard closer than 1.0 metre from the back of a curb and shall not impede the visibility of pedestrians or traffic;
- l) **Travelled Portion of Highway:** Where there is no sidewalk or shoulder or curb, no portion of the election sign shall be closer than 3.0 metres of the edge of the travelled portion of the highway;
- m) **Driveways:** No portion of the election sign shall be placed within 5.0 metres of the edge of a driveway;
- n) **Intersections:** No portion of the election sign shall be placed within 15.0 metres of an intersecting highway as measured from the curb of the intersecting highway, or if there is no curb, as measured from the edge of the travelled portion of the intersecting highway;
- o) **Highways fronting City Facilities:** No election sign shall be placed on either side of a public highway fronting or alongside any property owned and/or operated by the City or Local Board, including municipal offices, facilities, libraries, fire stations, schools, and community halls, except on private property;
- p) **Attachment to Existing Roadside Infrastructure:** No election sign shall be affixed to a permanent official highway sign, signal or support, guardrail or other roadway structure;
- q) **Traffic Signs and Signals:** No election sign shall obstruct the view of any official traffic sign or signal, or resemble any official traffic sign or signal;
- r) **Emergency Routes:** No person shall erect, cause to permit to be erected an election sign that may obstruct or impede any exit routes or escapes or impede free access of emergency vehicles;
- s) **Other Public Property:** No person shall attach an election sign to a public utility pole, light standard, any official sign or official sign structure, utility box, public bus shelter, planter, bench, waste receptacle, newspaper box, or mail box on a highway; and
- t) **Fences:** No person shall place or cause to be placed an election sign on a boundary line fence or noise attenuation wall which is located on public property.
- u) **Bridges:** No person shall place an election sign on, under, or affixed to any City owned bridge structure.
- v) **Jurisdiction:** election signs for candidates shall only be placed within the geographic jurisdiction of the office of election, with the sole exception being vehicle signs

**3.03 Quality of Election Signs on Highways:** All election signs placed on highways in accordance with section 3.02 shall be:

- a) Stable (being able to withstand adverse weather conditions);

- b) Vertical and upright;
- c) Legible;
- d) Made of resilient quality materials;
- e) Not faded, soiled, or unreadable at time of installation
- f) Installed in a cautious and safe manner; and
- g) Produced and printed in a manner accepted as good workmanship in the trades concerned (Homemade and handmade signs shall only be placed on private property)

**3.04 Median Strips – Including Victoria Avenue, Lindsay:** The following regulations apply to election signs placed in median strips:

- a) No more than 5 (five) election signs may be placed on any single curb-separated median strip island;
- b) Only 1 (one) election sign per candidate or registered third party may be placed on any single curb-separated median strip island;
- c) No portion of the election sign shall be placed within 5.0 metres of an intersecting highway as measured from the curb of the intersecting highway;
- d) Election signs placed in a median strip shall not have a sign height greater than 1 metre;
- e) The City, or Festival and Event Organizers are not responsible for election signs that are moved, damaged, or destroyed during City-Authorized temporary closures of Victoria Avenue for events and festivals, or during regularly scheduled City conducted grass cutting or landscaping; and
- f) All other regulations of section 3.02 and 3.03 shall apply, unless specifically regulated in this section.

## **Section 4.00: Election Signs – Private Property**

**4.01 Private Property – Residential Zones:** A person may place or cause to be placed an election sign on private property in residential zones (including agricultural, rural, seasonal and waterfront lands where a residential dwelling unit is located) in accordance with the following regulations:

- a) **Consent:** The owner or occupant of the lands has given consent.
- b) **Placement Period:** Placement of election signs along private property, are only permitted between the date of nomination of the candidate (or registration of a registered third party), and the day after election day.
- c) **Maximum Sign Size on lot with Residential Building:** The election sign shall not exceed 0.75 square metres, unless specifically permitted elsewhere in this section.
- d) **Maximum Sign Size on lot without Residential Building:** The election sign shall not exceed 2.0 square metres where the election sign is erected on private property where no residential building exists.
- e) **Rear Lot Lines:** Where an election sign is erected on public lands abutting the rear lot line of a residential property, the consent of the owner

or occupant shall not be required and the maximum size of an election sign shall be 2.0 square metres.

- f) **Visibility:** Election signs shall not restrict any sightline of a pedestrian or vehicle on a public highway.
- g) **Maximum Number of Signs:** No more than two (2) election signs per candidate are permitted on any one piece of land zoned residential.
- h) **Intersections:** No portion of the election sign shall be placed within 15.0 metres of an intersecting highway as measured from the curb of the intersecting highway, or if there is no curb, as measured from the edge of the travelled portion of the intersecting highway.

**4.02 Private Property – Other than a Residential Zone:** No person shall place or cause to be placed an election sign in any zone except for residential zones unless it complies with this by-law, and provided that,

- a) election signs with a maximum size of 2.0 square metres shall only be erected or installed on private property and with the consent of the owner or occupant of such property.
- b) no more than three (3) election signs per candidate are permitted on any one piece of land zoned other than residential.

**4.03 Campaign Headquarters:** No person shall erect, attach, display, place or cause to be erected, attached, displayed or placed an election sign at campaign headquarters prior to the candidate having filed his/her nomination papers and paid the required filing fee and in accordance with Section 2.13. Candidates may display 2 (two) additional signs to the respective limits in sections 4.01(g) and 4.02(b) at a Campaign Headquarters.

## **Section 5.00: Vehicle Signs**

**5.01 Regulation:** No person shall display a Vehicle Sign except in accordance with all provisions of this By-law.

**5.02 Area:** The total area of Vehicle Sign(s) displayed on any one vehicle shall not exceed 1.5 m<sup>2</sup>.

**5.03 Business Related Vehicle Signs:** Notwithstanding anything else contained in this By-law, no person shall be prohibited from displaying a business-related sign provided that:

- a) Such business operation is duly registered or incorporated as required by all applicable laws and has filed a Federal income tax return for the preceding two years and / or has met the requirements of the Canada Revenue Agency as a self-employed person;
- b) Such sign is limited to providing only information related to the business; and
- c) Such sign is not used in the course of campaigning or advocacy in relation to any Election or otherwise for the purpose of, or with the intent of promoting such person in an election.



**5.04 Campaigning:** For the purposes of this section, “campaigning or advocacy in relation to any Election” includes but is not limited to:

- a) Door-to-door visits to electors;
- b) Distribution of any printed material, Election Signs or paraphernalia; and
- c) Public appearances, related to any Election.

**5.05 Parking at Public Facilities:** No vehicle sign shall be placed or parked at any premises used as a voting location including the City Hall parking lot, and the roadside parking spaces abutting City Hall on Cambridge Street, and Francis Street.

## **Section 6.00: Election Sign - Removal**

**6.01 Removal:** Where election signs, including third party advertising, have been posted in contravention of this by-law or any other by-law the City may:

- a) Notify the owner, candidate or their official agent to repair or remove the sign, or take the necessary action to make the sign comply with the provisions of this by-law; or
- b) Remove the sign.

**6.02 Immediate Removal:** In the case of an immediate safety hazard, a sign that is erected or displayed in violation of this by-law, the City may cause the sign to be removed immediately without notice.

**6.03 Temporary Storage:** Where a sign is removed in accordance to section 6.01 and 6.02 it shall be stored at one of the Public Works Depots until claimed by an owner, candidate or official agent and shall be subject to fees and/or destruction in accordance with this by-law.

**6.04 Removal Following Election Day:** Every candidate and third party advertiser shall ensure that all election signs are removed no later than five (5) days following the voting day of the election.

- a) Signs remaining will be removed by the City and held at one of the Public Works Depots.
- b) The City is not responsible for signs stored at the Public Works Depots.

**6.05 Disposal:** The City may dispose of any election signs including third party advertising which are left at a Public Works Depot ten (10) days following voting day of the election without compensation to the candidate, their official agent or third party advertiser.

**6.06 Fees:** Disposal fees shall be charged to the candidate or third party advertiser for each sign that has not been retrieved from the Public Works Depot after ten (10) days following voting day as follows:

- a) \$20.00 for each sign payable to the City of Kawartha Lakes. Amounts owing under this By-law, may be recovered by legal action or in a like manner as municipal taxes.
- b) Any signs stored as per section 6.03 shall incur a daily storage charge fee of X, until claimed by an owner, candidate or official agent or until disposed of as per 6.05 following voting day of the election. These fees may be recovered by legal action or in a like manner as municipal taxes.

**6.07 Removal of Election Signs on Highways fronting Private Property:** A property owner or tenant may remove without damage any lawfully or unlawfully placed election sign on the part of the highway abutting the front lot line of that property owner's or tenant's private property, and the travelled portion of the road. The person removing the sign shall immediately contact the candidate or registered third party upon removal. A property owner shall not remove an election sign lawfully placed by a tenant on their property.

## **Section 7.00: Third Party Advertising**

**7.01 Regulation:** In accordance with the Municipal Elections Act, 1996 a Third Party Advertisement shall include the following on all Election Sign(s) displayed within the municipality:

- a) The name of the Registered Third Party;
- b) The Municipality where the Registered Third Party is registered; and,
- c) A telephone number, mailing address **or** email address at which the Registered Third Party may be contacted regarding the advertisement.

## **Section 8.00: Administration, Complaints, and Violations**

**8.01 Administration:** The City Clerk is responsible for the administration of this by-law.

**8.02 Violation Complaints:** All complaints of violations of this by-law are to be received through Municipal Law Enforcement by calling, email or using the online tool Report IT.

**8.03 Reporting Criminal Activity:** All complaints of theft, damaged or vandalized election signs, or any other criminal activity relating to election signs shall be reported to the Police.

## **Section 9.00: Penalty and Offence**

**9.01 Offence – Provincial Offences Act:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**9.02 Offence – Municipal Act:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

**9.03 Directors and Officers of Corporations:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.

**9.04 Conviction:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

**9.05 Enforcement:** Municipal Law Enforcement Officers, City Employees with Delegated Authority, Police, or the City Clerk (or his or her designate) may enforce this by-law.

## **Section 10.00: By-law to be Repealed**

**10.01 Repeal:** By-law 2018-077 is hereby repealed.

## **Section 11.00: Short Title of By-law**

**11.01 Short Title:** This by-law may be referred to as the “Election Sign By-law”.

## **Section 12.00: Effective Date**

**12.01 Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XX day of XXX, 2021.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk