



Table of Contents

Part I. Short Title, Purpose and Scope.....1

Short Title 1

Purpose..... 1

Scope 1

Part II. Interpretation.....2

Headings 2

References to Applicable Law 2

Definitions 2

Part III. General.....4

Public Property 4

Private Property..... 4

Sign Maintenance 5

Timing 5

Use of City Logo, Crest, Seal 5

Flashing, Moving or Mechanical signs 5

Mounting signs 5

Emergency access..... 6

Voting places and Election Help Centres 6

Removal/Damage to Election Campaign Signs 6

Liability for damages 6

Part IV. Special Provisions for Third Party Advertisers.....6

Registration 6

Required information 6

Part V. Enforcement and Penalty.....7

Enforcement 7

Penalty 7

Part VI. Conflict and Transition7

Conflict 7

Terms Severable..... 7

Enactment 7

Consolidated Version

Revised on March 15, 2022

Revision History:	Passed On:	Description of amendment
2022-027 (Original)	March 14, 2022	-

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

The Corporation of the City of Owen Sound

By-law No. 2022-027

A By-law to regulate the use of Election Campaign Signs

WHEREAS subsection 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Municipal Act") requires that the powers of a municipality be exercised by its Council and subsection 5(3) of the Municipal Act requires that such powers be exercised by by-law including a capacity, right, power and privilege under section 9 unless specifically authorized to do otherwise; and

WHEREAS subsection 11(3) of the Municipal Act states that a municipality may pass by-laws respecting structures including signs; and

WHEREAS section 425 of the Municipal Act establishes that any person who contravenes any by-law of the municipality, passed under the Act, is guilty of an offence;

WHEREAS on January 13, 2014, the Council of the Corporation of the City of Owen Sound (the "City") passed By-law No. 2014-001 with respect to the regulations of signs in the City of Owen Sound; and

WHEREAS City Council deems it expedient to remove regulations for election campaign signs from Sign By-law No. 2014-001 and pass a by-law that specifically regulates election campaign signs; and

WHEREAS on February 14, 2022, City Council passed Resolution R-220214-016 directing staff to bring forward this by-law for enactment, in consideration of staff report CR-22-001, presented to the Corporate Services Committee on January 27, 2022; and

WHEREAS on February 22, 2022, public notice was given respecting the enactment of the subject by-law in accordance with Notice By-law No. 2018-014;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law shall be known as the "Election Sign By-law".

Purpose

2. This by-law has been enacted to regulate the placement of election campaign signs for the purpose of preventing hazards to vehicles and pedestrians and further to regulate the erection and removal of election campaign signs.

Scope

3. This by-law shall apply to:
 - a. all regular municipal, provincial, federal and school board elections, including any by-election; and
 - b. candidates, third party advertisers and all other persons erecting election campaign signs.

4. This by-law shall not apply to:
 - a. signs erected by the City or the provincial or federal governments to provide information concerning an election or by-election or any part of an election or by-election process;
 - b. campaign office election signs, which signs are regulated by the City's Sign By-law; and
 - c. non-election related signs, which signs are regulated by the City's Sign By-law.

Part II. Interpretation

Headings

5. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended from time to time.

Definitions

7. For the purposes of this by-law:

"Campaign office" means a building or structure, or part of a building or structure, used by a candidate or an agent of a candidate or by a third party advertiser or an agent of a third party advertiser as part of an election campaign and where a candidate's or third party advertiser's campaign staff is normally present and the public may enter to obtain information regarding the candidate or third party advertiser;

"Campaign office election sign" means any sign erected on a campaign office which only displays the name of a candidate in a municipal election, or the name of a candidate and/or the name and/or logo of a political party in a federal or provincial election, or the name of a third party advertiser in a municipal election, and the location of a candidate's or registered third party's campaign office, and contains no other message;

"Candidate" means a person officially nominated as a candidate in an election, or their authorized agent;

"City" means the City of Owen Sound and a reference to the City is a reference to the geographical area of the City of Owen Sound or to The Corporation of the City of Owen Sound as the context requires;

"Election campaign sign" means an advertising device which, by the use of words, pictures or graphics or any combination thereof, is intended to promote, oppose or take 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*; or
- 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*;

but does not include election campaign office signage, which is regulated by the City's Sign By-law in effect from time to time.

"Election Help Centre" means a place designated by the City Clerk where an elector can receive election services, including but not limited to amending the Voters' List, asking questions about the election and accessing the internet to vote and shall include the entire building and the property associated with it and, when such election help centre is located within a private premises, it shall additionally include all of the common elements;

"Erect" means to attach, install, place, build, construct, reconstruct, move, display or affix;

"Good Repair" means in such a condition so as to be free from potential of accident or fire or other hazard, structurally sound, in good working order, capable of carrying out its intended function, and not unsightly by reason of deterioration, damage or defacement;

"Illuminated sign" means a sign that is lit from within or by an external light source focused chiefly on the sign;

"Officer" means a Police Officer, By-law Enforcement Officer, Municipal Law Enforcement Officer or any person appointed by the City to enforce this by-law;

"Municipal Act, 2001" means the *Municipal Act, 2001*, SO 2001, c. 25; and

"Person" means any individual, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply according to the law;

"Provincial Offences Act" means the *Provincial Offences Act*, RSO 1990, c. P.33.

"Public Property" means property owned by or under the control of the City, any of its agencies, local boards or commissions, including highways and streets, and shall be deemed to include public utilities facilities, regardless of whether the public utility poles are owned by or under the control of the City and shall also be deemed to include, buses, bus shelters, benches, municipal garbage containers or other structures located on a Street regardless of whether the shelters, containers or structures are owned by the City. Property owned by the City and leased to another person shall not be deemed to be public property;

"Roadway" means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic;

"Road allowance" means the portion of a road that is not ordinarily used for vehicular traffic such as the shoulder, roadside ditch and/or boulevard;

"Sight triangle" means a triangular area free of buildings or structures or other visual obstructions and formed within a corner lot by the intersection of street lines, or the projections thereof, and a straight line connecting them 5.0 metres from their point of intersection. A corner lot is a lot situated at the intersection of and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees;

"Sign owner" means the candidate or third party advertiser having the use or major benefit of the sign;

"Third party advertiser" means an individual, corporation or trade union registered to spend money advertising or campaigning in support or opposition to a candidate or question on the ballot;

“Voting day” means the day on which the final vote is to be taken in an election or by-election;

“Voting period” means the period of time in which citizens are able to cast ballots; and

“Voting place” means the entire building where citizens will cast ballots and shall include the entire property associated with the building and, when such voting place is located within a private premises, it shall additionally mean all of the common elements.

Part III. General

Public Property

8. No person shall erect, cause or permit to be erected an election campaign sign, in or on any public property that is not a road allowance.
9. Notwithstanding section 8 above, no person shall erect, cause or permit to be erected an election campaign sign on a road allowance that abuts Greenwood Cemetery or that abuts public property dedicated to military veterans, including but not limited to the Cenotaph, Jervis Bay Park and Corporal Robert T. James Mitchell Park.
10. No person shall erect, cause or permit to be erected an election campaign sign on a road allowance, except for an election campaign sign that:
 - a. is a single- or double-faced sign which is mounted on one or more poles or a steel or metal frame with a base intended to be pushed into the ground;
 - b. has dimensions that are not more than 1.5 m²;
 - c. is placed with a height, including the mounts, of 0.6 metres or less from the ground;
 - d. has no part of the sign within:
 - i. 2.0 metres from the travelled portion of a municipal roadway including the shoulder;
 - ii. 0.5 metres of a sidewalk;
 - iii. 5.0 metres of a driveway, measured from the nearest edge of the driveway;
 - iv. 5.0 metres of an intersecting road, measured from the nearest edge of the shoulder or the roadway if there is no shoulder;
 - v. 3.0 metres of any fire hydrant; or
 - vi. a sight triangle.
 - e. is one of not more than two permitted election campaign signs advertising the same person or their political party or position on a question, law or by-law, for each side of a City road between two consecutive intersecting roads.

Private Property

11. No person shall erect, cause or permit to be erected an election campaign sign on private property without the owner’s consent.
12. No person shall erect, cause or permit to be erected an election campaign sign on private property except for a campaign sign that:
 - a. has dimensions that are not more than 1.5 m²;

- b. is placed with a height, including mounts, of 0.6 metres or less from the ground;
- c. does not, in the opinion of the officer, cause or have the potential to cause a health and safety risk, including but not limited to an election campaign sign that:
 - i. obstructs, impedes or interferes with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by a firefighter to any part of a building or fire hydrant;
 - ii. impedes, hinders or prevents parking by vehicles on private property;
 - iii. impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - iv. interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals; or
 - v. impedes or obstructs City maintenance operations.

Sign Maintenance

13. Every sign owner shall maintain their election campaign signs such that their election campaign signs remain in a state of good repair.

Timing

14. Every candidate, or their agent, third party advertiser or any other person shall only erect an election campaign sign or permit or cause an election campaign sign to be erected:
- a. thirty (30) days prior to voting day of a referendum, a municipal question or a municipal or school board election; or
 - b. after the issuance of the writ for an election or by-election.
15. No candidate, or their agent, third party advertiser or any other person shall allow an election campaign sign to remain erected longer than seventy-two (72) hours following voting day.

Use of City Logo, Crest, Seal

16. No person shall use or display the City logo, crest or seal in whole or in part on any election campaign sign.

Flashing, Moving or Mechanical signs

17. No person shall erect, cause or permit to be erected, an election campaign sign that incorporates in any manner:
- a. flashing or moving illumination which varies in intensity, or which varies in colour;
 - b. moving parts or visible mechanical movement of any description; or
 - c. an electronic message display as defined in the City's Sign By-law.

Mounting signs

18. No person shall at any time nail or otherwise attach an election campaign sign or cause an election campaign sign to be nailed, or otherwise attached, to or upon anything located on a road allowance including but not limited to utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures.

Emergency access

19. No person shall erect, cause or permit to be erected an election campaign sign that may obstruct or impede any emergency fire routes or escape routes or impede free access of emergency vehicles.

Voting places and Election Help Centres

20. No person shall at any time during the voting period, including voting day and those days when advance voting is held, erect, cause or permit to be erected an election campaign sign at a voting place or election help centre.

Removal/Damage to Election Campaign Signs

21. No person shall deface, remove or willfully cause damage to a lawfully erected election campaign sign.
22. When an officer has reasonable and probable grounds to believe that a campaign sign has been erected, caused or permitted to be erected, in a manner that contravenes any provision of this by-law, the officer may cause the election campaign sign to be removed without prior notice or compensation.
23. Election campaign signs that, in the opinion of an officer, pose a risk to the health and safety of pedestrians, cyclists or motorists shall be removed by an officer without prior notice or compensation.
24. The City may destroy any election campaign sign that has been removed and is not claimed and retrieved within five (5) days of notice to the sign owner, without compensation to the sign owner.

Liability for damages

25. The City shall not be liable for any damage or loss of an election campaign sign that was displayed in accordance with this by-law or that was removed by an officer of the City.
26. The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning an election campaign sign for personal injury or property damage resulting from the erecting of such election campaign sign or resulting from the negligence or wilful acts of such person, or their agents or employees, in the construction, erection, maintenance, repair or removal of such election campaign sign.

Part IV. Special Provisions for Third Party Advertisers**Registration**

27. A third party advertiser must be registered with the City Clerk prior to erecting any election campaign signs.

Required information

28. Signs erected by third party advertisers or their agents shall contain valid and up-to-date contact information, including:
 - a. the name of the third party advertiser;
 - b. the municipality where the third party advertiser is registered; and
 - c. a telephone number, mailing address or email address at which the third party advertiser may be contacted.
29. The information required in section 28 above shall be provided with a minimum font size of twenty-four (24) points.

Part V. Enforcement and Penalty

Enforcement

30. Any officer is hereby vested with the authority of administering and enforcing the provisions of this by-law.

Penalty

- 31. 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 in the Provincial Offences Act.
- 32. Fines shall be issued under this by-law on a per sign basis and each sign erected in contravention of any provision of this by-law shall be fined as an individual and separate offence.
- 33. No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer who is exercising a power or performing a duty under the Municipal Act, 2001 or under a by-law passed under the Municipal Act, 2001.

Part VI. Conflict and Transition

Conflict

34. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, 2001, its regulations or any other act, the provisions of the act or regulation shall prevail.

Terms Severable

35. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

Enactment

36. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 14th day of March, 2022.

signature on file
Mayor Ian C. Boddy

signature on file
Briana M. Bloomfield, City Clerk