

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2011-80

A By-law to Regulate Election Signs.

WHEREAS pursuant to Paragraph 9 of Section 99 of the *Municipal Act*, S.O., 2001 c. 25, as amended, authority is given to the municipal Council to pass a By-law to regulate or prohibit election signs and the posting of related notices within the Town of Midland;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:

ELECTION SIGNS BY-LAW

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PART 1.0 TITLE, PURPOSE, AND DEFINED AREA

3.1 Short Title

This By-law may be cited as the "Election Signs By-law" for the Town of Midland.

3.2 Purpose

The purpose of this Election Signs By-law shall be to regulate the placement of Election Signs within the Town of Midland.

3.3 Defined Area

The area to which this Election Signs By-law applies shall be those lands which fall within the corporate boundaries of The Corporation of the Town of Midland.

PART 2.0 DEFINITIONS

The following words shall have the following meanings in this By-law:

Candidate

Shall mean a person officially nominated as a candidate at an election.

Council

Shall mean the Council of The Corporation of the Town of Midland.

Election Sign

Shall mean an outdoor sign or other outdoor advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons to give or to refrain from giving their votes to a **candidate** at an election held in accordance with the *Canada Elections Act*, *The Elections Act (Ontario)*, or the *Municipal Elections Act, 1996* or to vote in favour of or against any question or By-law submitted to the electors under Section 8 of the *Municipal Elections Act, 1996*.

Erect

Shall mean to build, construct, reconstruct, locate, or relocate a sign, advertising device or support member thereof.

Municipal Law Enforcement Officer

Shall mean the Municipal Law Enforcement Officer or designate as appointed by the **Council** of the Corporation of the Town of Midland.

Public Property

Shall mean property, land, including **road allowances**, sidewalks, or a building owned by the Town, or a local Board as defined by the *Municipal Act, S.O., 2001*, as amended, or owned by Federal, Provincial or County governments.

Road Allowance

Shall mean that portion of land allowed for a road or highway established by any statute, act, by-law or plan.

Sight Triangle

Shall mean, in the case of an intersection of two public **streets**, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property lines abutting a corner lot and a third line joining points of the property lines, a distance of 6.0 m from their point of intersection; or in the case of a private driveway intersecting with a public **street**, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property line and the curb line of the private driveway abutting the corner and a third line joining points of the property line and the curb line, a distance of 9.0 m from their point of intersection.

Street

Shall mean a street as defined under the *Highway Traffic Act*, R .S. O., 1990, or as amended from time to time and which has been assumed for a public use.

Town

Shall mean the Corporation of the Town of Midland.

PART 3.0 GENERAL PROVISIONS

Federal, Provincial or Municipal or School Board **Election Signs** do not require a building permit and shall be subject to the following provisions:

3.1 Road Allowance

- a) No person shall **erect**, cause or permit to be erected an **Election Sign** on a **road allowance** if the sign or any portion thereof is:
 - (i) On or over the **street** or a sidewalk.
 - (ii) Closer than 1.0 m to the edge of the **street**.
 - (iii) Within a **sight triangle** at the intersection of two **streets**.
 - (iv) Where a **road allowance** includes a sidewalk adjacent to a **street**, on the portion of the **road allowance** between the sidewalk and the **street**.
 - (v) Where a **road allowance** includes two or more separate **streets**, on the portion of the **road allowance** between each **streets**.
- b) No person shall at any time nail or otherwise attach an **Election Sign**, or cause an **Election Sign** to be nailed or otherwise attached, to or upon anything located on a **road allowance** and this shall include utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box, or mail box.

3.2 Public Property and Polling Places

- a) No person shall **erect**, cause or permit to be erected an **Election Sign**, in any public park or on any **public property** or occupied by the **Town** or any local board.
- b) No person shall at any time on any election voting day, including those days when advance election voting is held, **erect**, cause or permit to be erected an **Election Sign** on any property associated with any place being used as a polling place.
- c) No person shall at any time, on any election voting day, including those days when advance election voting is held, **erect**, cause or permit to be erected an **Election Sign** within 150.0 m of a polling place.

3.3 **Erection and Removal Dates**

- a) No person shall erect, cause or permit to be erected an **Election Sign** prior to nomination day in a Municipal election year.
- b) Every **candidate** shall ensure that **Election Signs** associated with a Federal or Provincial election are erected or installed in accordance with related Federal or Provincial laws.
- c) Every **candidate** shall ensure that all **Election Signs** shall be removed no later than one week following the voting day of the election for which the sign was erected or installed.

3.4 **Removal of Signs**

- a) When the **Municipal Law Enforcement Officer** has reasonable and probable grounds to believe that an **Election Sign** is on a **road allowance** or in any public park or on any **public property** owned or occupied by the **Town** or is **erected**, nailed or otherwise attached contrary to any provision of this By-law or creates a hazard to vehicular traffic or pedestrians or is erected prior to the specified date or is not removed by the deadline date; the **Municipal Law Enforcement Officer** may cause the **Election Sign** to be removed.
- b) Signs so removed shall be stored by the **Town** for a period of time of not more than ten (10) days, during which time the owner or his agent may be entitled to redeem said sign.
- c) Where a sign has been removed by the **Town** and stored for a period of ten (10) days and has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the **Town** on authority and direction from the **Municipal Law Enforcement Officer**, and the owner of the sign shall be

liable to pay to the **Town** the cost of removal and storage of the sign as provided herein.

PART 4.0 FEDERAL PROVINCIAL, COUNTY OR AGENCY INTERESTS

4.1 Where the erection or display of any **Election Sign** requires proper authorization from one or more Federal, Provincial, County agency, the onus of responsibility shall remain entirely upon the owner of the sign to ensure compliance with all such regulations.

4.2 **Ministry of Transportation/County of Simcoe Requirements**
Notwithstanding any other section of this By-law, in all cases where **Election Sign** are to be erected on lands or buildings abutting a Ministry of Transportation or County of Simcoe controlled road, then the requirements of the said Ministry or the County shall prevail with respect to the requirements of **Election Signs**.

PART 5.0 PENALTY FOR NON-COMPLIANCE

5.1 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*. Each day such violation is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such there under.

Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

PART 6.0 CONFLICT

6.1 If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety, or other By-law of the **Town**, the provision which establishes the higher standard shall prevail.

PART 7.0 LIABILITY FOR DAMAGES

7.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person **erecting** or owning any sign or display from personal injury or property damage resulting from the placing of such sign or resulting from the negligence or wilful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Further, the provisions of this By-law cannot be construed as imposing upon the **Town** or its Officers or Employees any responsibility or liability by reason

of the approval of any signs, materials or devices under the provisions of this By-law.

PART 8.0 SEVERABILITY

8.1 Should any section, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part thereof, other than the part which was declared to be invalid.

PART 9.0 EFFECTIVE DATE

9.1 That this By-law shall come into full force and effect immediately on January 1, 2012.

By-law read a first, second and third time, and finally passed at a meeting of the Municipal Council of The Corporation of the Town of Midland on this 19th day of December, 2011.

Mayor

Clerk