

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2018-25

ELECTION SIGN BY-LAW

**Being a by-law to regulate the placement of election signs in the Township
of Asphodel-Norwood and to repeal By-Law 2005-70**

WHEREAS Section 11 of the Municipal Act, 2001, as amended, authorizes a municipality to pass by-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs;

AND WHEREAS Section 63 of the Municipal Act, 2001, as amended, authorizes a municipality if it passes a by-law to prohibit or regulate the placing of an object on a highway, to provide for the removal of any object placed on a highway in contravention of that by-law;

AND WHEREAS Section 425 of the Municipal Act, 2001, as amended, establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the Municipal Act, 2001, as amended, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-law passed under this Act;

AND WHEREAS Section 88.3 (2) of the Municipal Elections Act, 1996, S.O. 1996 c.32, states that any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate;

AND WHEREAS Section 88.7 of the Municipal Elections Act, 1996, S.O. 1996 c.32, states that where a municipality is satisfied that there has been a contravention of the Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1. Definitions

1.1 In this By-law:

- a) "Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, S.O. 1996, c.32, 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.
- b) "Clerk" means the Clerk (or their designate) of the Township of Asphodel-Norwood
- c) "Election Sign" means any sign:
 - i. advertising or promoting a candidate in a federal, provincial or municipal election or by-election and shall include school board trustees; or
 - ii. that 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 the electors under section 8 of the Municipal Elections Act, 1996, S.O. 1996, c.32.

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- d) "Public Property" means property owned, leased, or maintained by The Corporation of the Township of Asphodel-Norwood.
 - e) "Township" means The Corporation of the Township of Asphodel-Norwood
 - f) "Registered Third Party" means an individual, corporation or trade union that is registered with the municipality in accordance with prescribed legislation
 - g) "Third Party Sign" means an election sign not installed or erected directly or indirectly by a candidate

2. General Provisions

- 2.1 No candidate, registered third party or their agent or any other person shall affix, install or otherwise display an election sign except as specifically permitted in this By-law or under prescribed legislation;
- 2.2 No permit is required for the erection of Election Signs under this by-law.
- 2.3 With the exception of a billboard sign and an election sign on vehicles, no person shall place or permit to be placed on private property an election sign that:
 - a) is illuminated;
 - b) has a sign area greater than 3 sq. m (32 sq. ft.)
- 2.4 No candidate, registered third party or their agent or any other person shall place or display, or cause or permit to be placed or displayed, an election sign:
 - a) that contravenes the Canada Elections Act (S.C. 2000, c. 9), the Election Act, R.S.O. 1990, c. E.6, the Municipal Elections Act, nor any other relevant legislation;
 - b) prior to a deposit in accordance with Section 3.0 being given to the Clerk;
 - c) that obstructs the visibility of pedestrians, vehicles or traffic control devices, as determined by the Township,
 - d) that is nailed or otherwise attached to or upon any utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mail box;
 - e) that is on any premises used as a Help Centre/Voting location for elections;
 - f) that is in or on a vehicle that is parked on any premises used as a Help Centre/Voting Location for elections if the Election Sign is visible from the outside of the vehicle;
 - g) that is located on or over a sidewalk;
 - h) that is affixed to a permanent or official highway sign, signal or support, guardrail or other roadway structure;
 - i) that is closer than 3 metres (9.84 feet) to the edge of the roadway
- 2.5 Election Signs may be erected or displayed on private property with the consent of the owner or occupant of the property.
- 2.6 No candidate, registered third party or their agent or any other person shall at any time place an election sign, or cause an election sign to be placed on any property that is owned, leased or maintained by the Township of Asphodel-Norwood

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- 2.7 Election signs shall not be placed / affixed to any building owned, leased or operated by the Township of Asphodel-Norwood.
- 2.8 Not more than one election sign per candidate shall be placed on a lot at any one time;
- 2.11 No candidate, registered third party or their agent or any other person shall at any time display the Township of Asphodel-Norwood logo, in whole or in part, on any election sign.
- 2.12 Election Signs shall not:
- a) have flashing lights or rotating parts;
 - b) be illuminated; or
 - c) obstruct the view of any official traffic sign or signal or simulate any traffic control device.
- 2.13 No candidate, registered third party or their agent or any other 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.
- 2.14 No candidate, registered third party or their agent or any other person shall place or permit to be placed an Election Sign for a municipal election or by-election earlier than the day following the close of Nomination Day in the year of that election.
- 3. Requirements for election signs:**
- 3.1 The following security deposit shall be paid to the Township prior to the placement or display of any election sign for a Municipal Election or By-election:
- (i) Mayor/Deputy Mayor - \$100.00;
 - (ii) Councillor or Trustee - \$100.00;
 - (iii) Registered Third Party - \$200.00;
- 3.2 The following security deposit shall be paid to the Township prior to the placement or display of an election sign for a Federal and/or Provincial Election or By-election:
- (i) All candidates - \$200.00;
- 3.3 Election signs shall be removed at the candidates' and/or registered third party's expense within seventy two (72) hours after the completion of voting on voting day;
- 3.4 Any election sign found to be in violation of this by-law is subject to seizure by the Township and any such seized signs shall be stored up to seven (7) days after the Election day; a candidate, or any person acting on the behalf of a candidate, or a registered third party may retrieve a sign stored by the Township but the Township may, without notice or compensation to any person, destroy or otherwise dispose of any election sign that has not been retrieved within the aforementioned period and:
- (i) The sign removal fee shall be \$20.00 per election sign;
- 3.5 Subject to any deductions made pursuant to clause 3.4 (i), a candidate or registered third party is entitled to have their election sign deposit refunded no later than 60 days after Election Day;

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- 3.6 If an election sign is removed in accordance with this by-law, the candidate or registered third party to whom the election sign relates will be charged in accordance with the amounts outlined in clause 3.4 (i), and such charges will be deducted from the refundable portion of the candidate or registered third party election sign deposit to compensate for the cost of removal of the election sign;
- 3.7 The sign removal fee, as outlined in clause 3.4 (i), will be waived if the candidate or registered third party provides an affidavit indicating that neither the candidate or registered third party nor, to the best of the candidate's or registered third parties' knowledge, was responsible for the unlawful placement or display of the election sign;
- 3.8 If the costs incurred by the Township in removing a candidate's or registered third parties' signs exceed the election sign deposit paid by the candidate or registered third party, the Clerk shall notify the candidate or registered third party, who shall have five (5) days after the date notice is received to pay the outstanding costs of removal per sign in accordance with clause 3.4 (i).
- 3.9 No person shall deface, relocate, remove, wilfully cause damage or permit to be cause damage to a lawfully erected Election Sign, except for the candidate to whom the sign belongs.
- 3.10 The Township shall not be liable for any damage or loss to an Election Sign that was displayed in accordance with this by-law or that was removed by the Township pursuant to the provisions of this by-law.
- 3.11 The Township reserves the right to remove any offending Election Sign, any Election Sign which is deemed to be a hazard or otherwise that is in non-compliance with this by-law without notice to any person, including the candidate and without compensation to the owner of the sign.
- 3.12 Where Election Signs placed on private property are causing an immediate safety issue, the Township shall remove the sign upon it being brought to his/her attention and the cost of such removal shall be charged back to the owner of the sign as per clause 3.6.

4. Enforcement

- 4.1 Municipal By-Law Enforcement Officers, Police, or the Clerk or his/her designate may enforce this by-law.

5. Offence

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;

6. Other Jurisdictions

- 6.1 Election signs placed on any public highway under the jurisdiction of the County of Peterborough and/or the Province of Ontario are subject to by-laws, regulations, laws of those authorities;

7. Precedence

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7.1 The provisions of this by-law supersede the election sign provisions of any other by-law.

8. Short Title

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

Repeal of Existing By-law

By-law No. 2005-70 of the Township of Asphodel-Norwood and any other By-law or part thereof which conflicts with this By-law be hereby repealed.

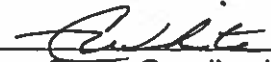
Effective Date

This By-law shall become effective on April 24, 2018.

Read a first, second and third time and finally passed this 24 day of April, 2018.



Mayor, Terrence J. Low



Clerk, Candice White