

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4879/104/06

BEING A BY-LAW TO REGULATE ELECTION SIGNS

**WHEREAS** Section 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower tier municipality may pass by-laws respecting structures, including fences and signs;

**AND WHEREAS** Section 99(1) of the *Act* provides that the municipality shall, before passing the by-law, give public notice of its intention to pass the by-law;

**AND WHEREAS** Section 99(2) of the *Act* provides that a municipality may by by-law prohibit and regulate the message, content and nature of signs, advertising and advertising devices, including any printed matter, oral or other communication or thing, promoting adult entertainment establishments, and to pass by-laws with respect to any other business or person;

**AND WHEREAS** Section 99(3) of the *Act* provides for a municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law.

**AND WHEREAS** the Council of the Corporation of the City of Port Colborne deems it desirable and necessary to regulate the location, manner and display of election signs in order to control and restrict aesthetic blight, to prevent the unlimited proliferation of signs on highways which may affect urban aesthetics, may cause a disturbance to natural settings, or may create dangerous and undesirable hazards for motorists and pedestrians.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:**

1. **DEFINITIONS:**

In this by-law,

**"campaign headquarters"** means a building or part thereof that is located in any commercial zone that permits a business office which the candidate has advised the Clerk in writing will be used for a candidate's headquarters for campaign purposes. A candidate may maintain only one "campaign headquarters" in the City of Port Colborne at a time.

**"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*.

**"City"** means the Corporation of the City of Port Colborne.

**"Clerk"** means the Clerk or Deputy Clerk of the Corporation of the City of Port Colborne.

**"municipal law enforcement officer"** means a municipal law enforcement officer appointed by the Council of the Corporation of the City of Port Colborne whose duties include the enforcement of City by-laws including regulations in respect of election signs and shall include a member of the Niagara Regional Police Service;

**"election sign"** means any outdoor sign or other outdoor advertising device, including without limitation, posters, placards, bulletins, banners, notices, which by the use of words, pictures or graphics or any combination thereof is intended to influence persons,

- (a) to give or to refrain from giving their votes to a candidate in a federal, provincial or municipal election or by-election;

- (b) 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*.

“**mobile sign**” shall have the same meaning as “portable sign”.

“**motor vehicle**” means a vehicle that is drawn propelled or driven by any means other than muscular power.

“**portable sign**” means a sign mounted on a trailer or other free standing structure which is not permanently anchored in the ground, or is designed in such a manner so as to facilitate its movement from place to place.

“**road allowance**” means the allowance for a public road and includes the traveled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks.

## 2. **GENERAL:**

- 2.1 No person shall erect, attach, place or otherwise display an election sign except in accordance with this by-law.
- 2.2 No permits are required by the City of Port Colborne for erection of any election sign.
- 2.3 Election signs shall not:
- (a) have flashing lights or rotating parts;
  - (b) be illuminated; or
  - (c) simulate any traffic control device.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 2.5 No person shall at any time on 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 polling place for elections or on any municipal road allowance abutting any premises used as a polling place for elections; and
  - (b) place or caused to be placed an election sign, poster or placard in or on a vehicle that is parked on any premises used as a polling place for elections if the sign, poster or placard is visible; and
- 2.6 No person shall display the City of Port Colborne logo, crest or seal in whole or in part, on any election sign.
- 2.7 (a) Except as otherwise provided in 2.7 (b) Portable signs or mobile signs are not permitted.
- (b) An election sign may be displayed in or on a motor vehicle provided:
- (i) the display of such election sign is not contrary to the provisions of Sections 2, 3, 4 and 5 of this by-law; and
  - (ii) such election sign, if on the exterior of the motor vehicle, is mounted flush on the motor vehicle body; and
  - (iii) such election sign is not displayed so as to contravene the provisions of sections 73.(1) or 74.(1) of the *Highway Traffic Act, R.S.O. 1990, c. H.9, as amended*.

- 2.8 No person shall erect an election sign where it obstructs or interferes with a door or fire escape of a building.

3. **TIMING**

- 3.1 Election signs for a municipal election or by-election shall not be erected or displayed until the close of nominations.
- 3.2 Election signs shall not be erected or displayed for a federal or provincial election until the day that the writ of election is issued.
- 3.3 Despite Sections 3.1 and 3.2, election signs may be erected on campaign headquarters once the candidate has filed his or her nomination papers and paid the required filing fee. For purposes of this section, a candidate may designate only one building or part thereof in the municipality as his or her headquarters at any one time and must advise the Clerk, in writing, of the address of his or her headquarters prior to erecting the signs authorized by this section.
- 3.4 All election signs shall be removed no later than forty-eight hours following voting day of the election for which the signs were erected or installed. For the purpose of this subsection, the candidate shall be responsible for the removal of his or her election signs within the prescribed time frame.

4. **ELECTION SIGNS ON PRIVATE PROPERTY**

- 4.1 No person shall place or remove an election sign, or cause an election sign to be placed on, or removed from, private property without the consent of the property owner.
- 4.2 The City of Port Colborne or any of its municipal servants, employees or agents will not be responsible for investigating or prosecuting for any acts of vandalism to election signs.
- 4.3 No election sign on private property shall exceed 3.0m<sup>2</sup> (32.3 ft<sup>2</sup>) with the exception of those placed on billboard signs.
- 4.4 Notwithstanding section 4.3, an election sign which is a fascia sign may be affixed to the face of the building or building unit which is used as a candidate's campaign headquarters provided such fascia sign complies with the provisions of section 3.2.5 of By-law 4738/120/05 for a fascia sign.
- 4.5 No person shall place or cause an election sign to be placed on private property so as to interfere with the safe operation of vehicular traffic or with the safety of pedestrians.

5. **ELECTION SIGNS ON PUBLIC PROPERTY**

**Public Property Other Than Public Highway**

- 5.1 Except as expressly permitted by this by-law, no person shall at any time place an election sign, or cause an election sign to be located, erected, posted, placed or otherwise displayed on any property owned or occupied by the City of Port Colborne or any local board thereof including but not limited to parkland and other lands, buildings and facilities owned by the City of Port Colborne.

**Public Highway/Road Allowance**

- 5.2 Election signs may be erected or displayed on public highways, including municipal road allowances, under the jurisdiction of the City of Port Colborne, provided:
- (a) no election sign shall be placed on a public highway adjacent to a municipal park or other land, building or facility owned by the City of

Port Colborne or any of its agencies, boards or commissions or a Board of Education;

- (b) that the election sign material is of sufficient quality and of proper installation that weather conditions will not displace this material and create a safety hazard on municipal roads;
  - (c) no election sign shall exceed 1.0m<sup>2</sup> (10.8 ft<sup>2</sup>) size;
  - (d) no election sign shall be higher than 2 metres (6.5 feet) above ground level;
  - (e) no election sign shall be located within 2 metres (6.5 feet) of the travelled portion of a road allowance, including on the gravel shoulder.
  - (f) no election sign shall be located within 15 metres (49.2 ft.) of the intersection of the travelled portion, including gravel shoulders, of two streets as illustrated on the diagram attached as Appendix "A" to this by-law;
  - (g) no election sign shall be affixed to any traffic control sign, guardrail or other form of traffic safety structure or facility, light standard, utility pole or equipment, or any other similar type of sign, structure, facility or equipment located within the limits of a road allowance.
  - (h) no election sign shall be placed on or attached to any bridge, overpass, median, island or central boulevard;
  - (i) no election sign shall be placed on a public sidewalk or in such other location on, over or near a sidewalk so as to interfere with or obstruct normal pedestrian traffic;
  - (j) no election sign shall be placed closer than 3 metres (9.84 feet) to a private drive; and
  - (k) no election sign shall be erected or installed so as to impede or hinder a view of a public highway or railway crossing.
- 5.3 Despite the provision of this or any other by-law, no person shall attach an election sign to any tree, public utility pole, light standard, official sign or official sign structure, utility box, planter, bench, waste receptacle, newspaper box, or mail box located within the limits of a road allowance.
- 5.4 Despite the provision of this or any other by-law, no person shall place an election sign in a location that interferes with a fire hydrant.

#### **Public Highways - Exception**

- 5.5 This by-law shall not apply to any highways or road allowances under the jurisdiction of the Ministry of Transportation of Ontario or the Regional Municipality of Niagara.

### **6. ADMINISTRATION AND ENFORCEMENT**

- 6.1 This by-law may be enforced by a municipal law enforcement officer.
- 6.2 Where a person has affixed, erected or otherwise displayed, or caused or permitted to be affixed, erected or otherwise displayed a sign contrary to this by-law, a municipal law enforcement officer may make an order directing that the person
- (a) affix, erect or otherwise display the sign in accordance with the requirements of this by-law; or
  - (b) remove the sign

within seventy-two (72) hours of the date of the order.

- 6.3 Any person to whom an order is issued by the municipal law enforcement officer shall comply with the order.
- 6.4 An order made by the municipal law enforcement officer may be delivered personally to the owner of the sign or by delivering it to or sending it by pre-paid ordinary mail to the owner of the sign at his or her last known place of residence or, where the owner of the sign is a candidate, to the candidate, the official agent, or a person who has apparent authority to act as agent for the candidate at the candidate's campaign headquarters.
- 6.5 Where the person to whom an order is issued fails to perform the work required by the order, the Corporation of the City of Port Colborne may remove the sign at the expense of the owner of the sign, without further notice.
- 6.6 Notwithstanding the provisions of sections 6.1 and 6.5, where election signs have been posted on public property in contravention of this by-law, the municipal law enforcement officer may remove such sign forthwith without notice and at the expense of the owner of such sign.
- 6.7 The Corporation of the City of Port Colborne shall store any election signs removed pursuant to sections 6.5 or 6.6 at the Public Works Yard or such other place as may be designated by the Clerk.
- 6.8 The Clerk or his or her designate shall notify the candidate of any election signs removed pursuant to 6.5 or 6.6 and instruct the candidate to forthwith pick up any such material so removed.
- 6.9 Any election signs in the possession of the Corporation of the City of Port Colborne more than 120 hours following election day may be destroyed immediately by the Corporation of the City of Port Colborne without notice and without compensation to the candidate or owner.
- 6.10 The cost of removal of election signs pursuant to section 6.5 and 6.6 shall be charged back to the owner of the signs at a rate of \$20.00 per sign.
- 6.11 No impounded election signs will be returned to an owner where there are unpaid charges for removal by the City of any of that owner's signs.

## 7. **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 for personal injury or property damage resulting from the placing of such signs or resulting from the negligence or willful acts of such person, or his agents or employees, in the construction, erection, maintenance, repair or removal of such signs.

## 8. **OFFENCE**

- 8.1 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*, R.S.O. 1990, c. P.33, as amended.

## 9. **PRECEDENCE OVER OTHER BY-LAWS**

- 9.1 In the event of a conflict between this by-law and the provisions of another City by-law regulating signs, including elections signs, the provisions of this by-law shall prevail.

## 10. **EFFECTIVE DATE**

- 10.1 This by-law shall come into force and take effect on the date of its passing by Council.

11. **REPEALS**

- 11.1 By-law 3531/112/97, Being a By-law to Regulate the Criteria of Election Signs for Municipal Elections in the City of Port Colborne, and amendments thereto, are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28<sup>TH</sup> DAY OF AUGUST 2006.**



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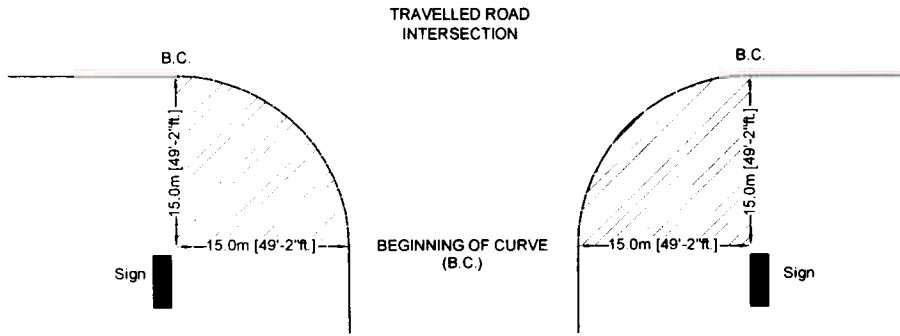
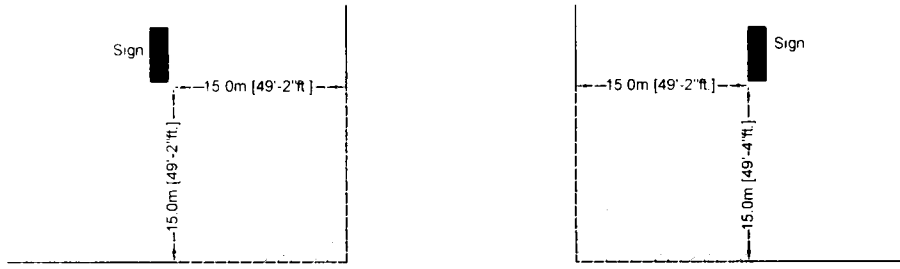
Ron Bodner  
MAYOR



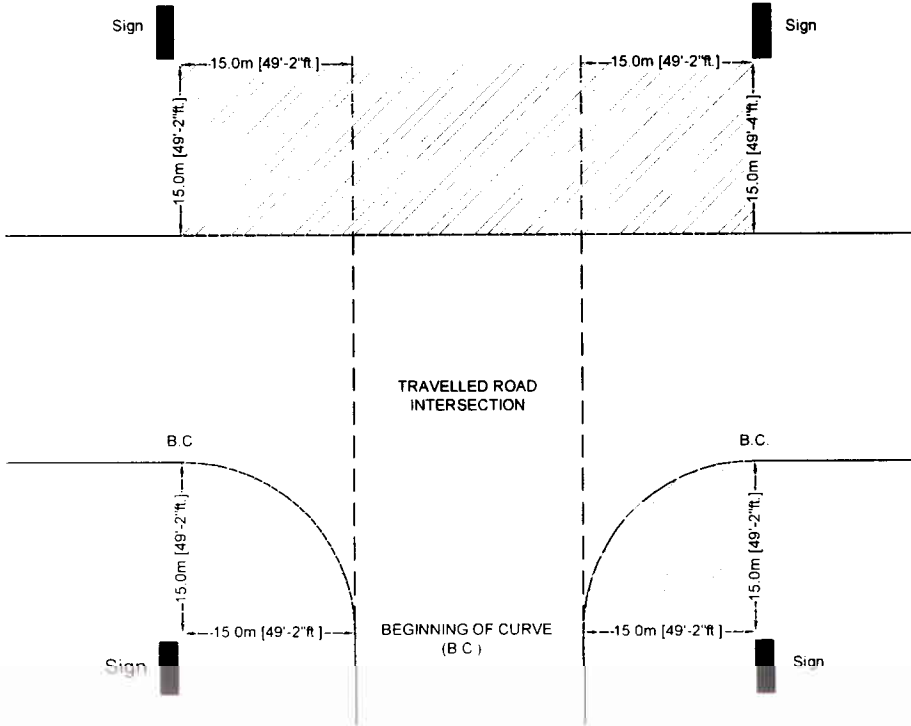
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Janet Beckett  
CLERK





4 WAY INTERSECTION



T INTERSECTION

CORNER RESTRICTIONS AT INTERSECTIONS

Illustrative purposes only. Not to scale.

LEGEND

-  PROHIBITED AREA
-  ROADWAY