

The Corporation of the Township of North Kawartha

By-law 2021-0075

Being a by-law of the Corporation of the Township of North Kawartha to manage and regulate election signs and election campaign advertisements including third party advertising and to repeal By-Law 2019-0066.

Whereas subsection 11(3), paragraph 1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of North Kawartha to pass by-laws respecting highways over which it has jurisdiction; and,

Whereas subsection 11(3), paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of North Kawartha to pass by-laws respecting signs; and,

Whereas subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of North Kawartha, if it passes a by-law for prohibiting or regulating 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, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of The Corporation of the Township of North Kawartha is guilty of an offence; and,

Whereas section 88.3 of the Municipal Elections Act, 1996, as amended sets out requirements for Candidates' election campaign advertisements; and,

Whereas the Corporation of the Township of North Kawartha recognizes the importance of free speech and political campaigning as supported by the Municipal Elections Act, 1996, as amended;

And Further Whereas the Corporation of the Township of North Kawartha deems it necessary to enact regulations to:

- i. Achieve clarity of the position and consistency of approach for display of election signs and election campaign advertisements within the jurisdiction of the Corporation of the Township of North Kawartha;
- ii. Enable the issue to be applied consistently and equitably to all candidates and third party advertisers;
- iii. Minimise any threat to public safety from the placement of election signs;

Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

Responsibility

Candidates, Council Members (including acclaimed member or a member not seeking re-election), and Third Party Advertisers are responsible to comply with this by-law.

Definitions

"Banner Flag Sign" shall mean a sign made from non-rigid, lightweight material, which is attached to and projects out horizontally in a predominantly perpendicular manner and used primarily for attracting attention.

"Banner Sign" means a sign made from non-rigid, lightweight material, which is

secured or mounted to a building or other structure or airplane by its ends or corners.

"Billboard" shall mean a ground or wall sign, which is fastened in such a manner so as to permit its periodic replacement, which is owned and maintained by a person engaged in the rental or leasing of the sign face area for advertising goods, products, services, election advertising or facilities that are not present or sold on the property on which the sign is located.

"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.

"Clerk" means the Clerk of the municipality.

"Election Campaign Advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate.

"Election Sign" means any sign as defined in this by-law that:

- i. advertises or promotes 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.

"Electronic Sign" means an electronically and/or computer controlled sign, or that part thereof, which displays illuminated copy and graphic information in a pre-arranged sequence for continuous scrolling or flashing display or other form of animation.

"Inflatable Sign" shall mean a sign or advertising device designed to be inflated with air or gas and may be designed to be airborne and tethered to ground, water, a building, or other structure.

"Mobile Sign" shall mean a sign designed to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support. This definition shall include a manual changing copy sign in which the letters or numerals conveying the message can be manually rearranged or changed. It does not include a sign displayed on a vehicle.

"Motorized Sign" shall mean a sign designed with motorized movement.

"Public Property" means property owned, leased, or maintained by The Corporation of the Township of North Kawartha.

"Third Party Advertiser" An individual, corporation or trade union who has filed with the clerk of the local municipality responsible for conducting an election a notice of registration to be a registered third party for the election as in Section 88.6 (1) of the Municipal Elections Act, 1996, as amended.

"Third Party Advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

- i. a candidate, or
- ii. a "yes" or "no" answer to a question referred to in subsection 8 (1), (2) or (3) of the Municipal Elections Act

but does not include an advertisement by or under the direction of a candidate or an advertisement described in Section 1, subsection (2) or (2.1) of the Municipal Elections Act, 1996, S.O. 1996, c 32.

“Township” means The Corporation of the Township of North Kawartha.

“Township Logo or Wordmark” means the current logo, wordmark, symbol or insignia adopted by or created by the Township of North Kawartha which is displayed on the Township website, social media platforms, letterhead, signage or equipment and vehicles owned by the Corporation of the Township of North Kawartha.

“Water Billboard” shall include inflatable and amphibious floating signs on water and signs mounted to motorized and non-motorized boats.

Implementation

1. No permit is required for the erection of Election Signs under this By-Law.
2. Election signs shall not:
 - i. be illuminated or have flashing lights;
 - ii. have rotating parts;
 - iii. be inflatable;
 - iv. be motorized;
 - v. be mobile;
 - vi. simulate any traffic control device;
 - vii. have a sign area greater than 3 sq. m (32 sq. ft.);
 - viii. have a sign height greater than 2 m (6.6 ft.) above the surrounding ground.
3. No person shall at any time display on any sign or on any election campaign advertisement:
 - i. the Township of North Kawartha logo or wordmark, in whole or in part;
 - ii. an image of North Kawartha signage in whole or in part;
4. No person shall at any time place an election sign, or cause an election sign to be placed, that:
 - i. obstructs the visibility of intersections, private entrances, pedestrians, vehicles or traffic control devices or regulatory signage, as determined by the Township Road Supervisor or his / her designate;
 - ii. impedes the necessary sightlines of motorists, municipal snowplow operations, or access to a private drive;
 - iii. 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;
 - iv. is affixed to an airplane, a boat, dock or buoyed in the water such as an amphibious water sign or inflatable sign;
 - v. is on any premises used as a Voting Place / Help Centre for elections;

- vi. is in or on a vehicle that is parked or located on any municipal property if it is visible from the outside of the vehicle;
 - vii. is located on a sidewalk;
 - viii. is affixed to a permanent or official highway sign, signal or support, guardrail or other roadway structure; or
 - ix. creates a safety hazard.
5. Election Signs may be erected or displayed on private property with the consent of the owner or occupant of the property.
6. No 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 North Kawartha, including, but not limited to:
 - i. Municipal Office;
 - ii. Fire Halls;
 - iii. Public Works Yards;
 - iv. Community Centres
 - v. Public Libraries;
 - vi. Municipal Parks;
 - vii. North Kawartha Health Centre;
 - viii. Transfer Stations;
 - ix. Vacant parcel / lot of land owned by the Municipality.
7. Election signs shall not be placed / affixed to any building owned, leased or operated by the Township of North Kawartha.
8. Election signs shall not be permitted on a municipal road allowance immediately adjacent to the properties noted in Section 6.
9. Election Signs may be placed on a municipal road allowance provided that the regulations in Sections 2 and 3 of this by-law are obeyed.
10. No 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.
12. No 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.
13. Section 88.3 (2) of the Municipal Elections Act, 1996, as amended sets out that an election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate. A candidate election campaign sign that states: the name of the candidate or the name of the candidate in combination with the words "Elect (candidate name); Re-elect (candidate name), Vote (candidate name) or (candidate name) for the office of (ie. Mayor, Deputy Mayor, Councillor) will be deemed to meet the requirements of the Act.
14. Section 88.3 (3) of the Municipal Elections Act, 1996, as amended sets out that a candidate shall not cause an election campaign advertisement to appear unless he or she provides the following information to the

broadcaster or publisher in writing:

- i. The name of the candidate.
- ii. The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

Removal of Election Signs

1. No person shall deface, relocate, remove, willfully cause damage or permit damage to be caused to a lawfully erected Election Sign, except for the owner or his/her agent.
2. 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. If the Township Road Supervisor, or his/her designate, determines that the location of an Election Sign is in contravention of this by-law, he/she may remove the sign.
4. Election Signs removed by the Township shall be stored by the Township for a period of not less than one (1) week and made available for return to the owner or his/her agent.
5. Election Signs, not reclaimed may be disposed of by the Township without compensation to the owner of the sign.
6. 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 owner or his/her agent and without compensation to the owner of the sign. A courtesy call may be given to the owner or his/her agent that the sign has been removed.
7. Where Election Signs placed on private property are causing a safety issue, the Township Road Supervisor or his/her designate, shall remove the sign upon it being brought to his/her attention and the cost of such removal may be charged back to the owner of the sign.
8. Election signs shall be removed at the expense of the owner within one (1) week after the completion of voting on voting day.
9. Any sign that has not been reclaimed may be disposed of by the Township upon providing notice to the owner or his/her agent.

Enforcement

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

Other Approval Authorities

1. Election signs or similar campaign material that will be installed or affixed to **Ministry of Transportation** road system or **The County of Peterborough** road system will require the permission of these respective approving authorities.
2. Election signs or similar campaign material that will be installed or affixed to Poles belonging to **Hydro One Network, Bell Canada** or other **public**

utilities will require the permission of these respective approving authorities.

3. Notwithstanding the above, should any approval authority delegate its powers and duties to the Township of North Kawartha for election signage and / or campaign advertising, this by-law will be applicable.

Third-Party Advertisers

Section 88.4 of the Municipal Elections Act, 1996, as amended, sets out provisions for third party advertising and introduces a framework to regulate third-party advertising, which include contribution and spending limits.

1. The Act defines a third-party advertisement as an advertisement in any broadcast, print, electronic or other medium that has the purpose of supporting or opposing a candidate, or a "yes" or "no" answer to a question under clause 8 (1) (a) (b) or (c).
2. In addition to the above, third party advertisers are required to provide on their signs the following information:
 - i. The name of the registered third party;
 - ii. The municipality where the registered third party is registered.
 - iii. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement;

Vandalism

The investigation or prosecution for any acts of vandalism to election signs or campaign material of the candidates should be referred to the Ontario Provincial Police by the complainant. The Municipality or any of its municipal employees or agents will not be responsible.

1. That this By-Law shall come into force and effect on the 7th day of September, 2021;
2. That By-Law 2019-0066 any other by-laws contrary to this by-law be repealed.

In the event that section or sections of this by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable, with all other sections or parts of this by-law remaining in full force and effect.

Read a first, second and third time and passed in open Council on the 7th day of September 2021.


Signed by Carolyn Amyotte (2021/09/09)
Verify with verifio.com or Adobe Reader. 

Carolyn Amyotte, Mayor

Connie Parent
Signed with ConsignO Cloud
(2021/09/09)
Verify with verifio.com or Adobe Reader. 

Connie Parent, Clerk