

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2018-52

A By-law to regulate Election, Advertising and the Placement of Election Signs

WHEREAS, Section 8 of the *Municipal Act, 2001* S.O. 2001, c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of capacity, rights, powers and privileges of a natural person for the purpose of easing the authority under the Act;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and, b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, provides that a lower tier municipality may pass by-laws within the spheres of jurisdiction set out therein, *inter alia* structures, including fences and signs;

AND WHEREAS Section 99 of the *Municipal Act, 2001* provides the rules which apply to a by-law of a municipality respecting advertising devices, including signs;

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

AND WHEREAS, the Municipal Elections Act was recently amended creating additional controls on election activities;

AND FURTHER, Council also deems it necessary to adopt a new by-law to regulate election advertising and the placement of election signs incorporating the recent changes from the Municipal Elections Act and a number of updates to address current situations;

AND WHEREAS in accordance with By-Law No. 2008-04 public notice of the Council's intention to pass the by-law was given;

AND WHEREAS, the Council of the Corporation of the Town of Wasaga Beach deems it is expedient to regulate the placement of election signs on public roadways and properties for the purpose of preventing hazards to vehicles and pedestrians and to prevent an unsightly proliferation of election signs and Third Party advertising.

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. **Definitions**

“Act” shall mean the Municipal Elections Act, 1996, SO 1996, c32 Schedule, as amended or replaced from time to time.

“Boulevard” means portions of a road allowance that are not paved but found between a divided roadway or between the road surface and the sidewalk.

“Campaign Office” means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate’s campaign staff is normally present and the public may enter to obtain information about the candidate.

“Candidate” means a person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other persons to vote for or against any candidate or any question or by-law submitted to the electors under the *Municipal Elections Act, 1996, Election Act or Canada Elections Act*. Includes a candidate that has been nominated under Section 33 of the Act or a candidate who has been certified under Section 35 of the Act, or pursuant to the corresponding Provincial or Federal Elections Act that is in force at the time that is relevant.

“Candidate Event” means any meeting or gathering that is arranged or hosted by or on behalf of a candidate for political gain or advancement, but does not include an event arranged by a Registered Third Party Advertiser.

“Clerk” means a person appointed by Council under the *Municipal Act* or designate, and who is the person responsible for conducting the election in the lower-tier municipality in accordance with *the Municipal Elections Act, 1996 and the Education Act, 1990*.

“Election Advertising Device” shall mean anything, other than an Election Sign, that communicates a message that tends to support (or not) voting for a candidate or a question on the ballot.

“Election Sign” means any officially authorized sign or other election advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof:

- a) advertising or promoting by use of words, pictures or graphics or any combination thereof is used by or on behalf of a candidate in a federal, provincial or municipal election or by-election, including an election of a local board or commission; or
- b) intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors under the *Municipal Elections Act, 1996*

“Government Property” means property, including facilities thereof, that are owned, leased or occupied by Provincial or Federal governments or its boards, agencies, corporations and alike, that provides service to the public, whether or not it is open at the time that is relevant.

“Highway” means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance and adjacent ditches and shoulders thereof.

“Mobile Sign” means any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people.

“Political Vehicle Display” means any vehicle or trailer that has been modified from its manufactured form to display political advertising by adhering a “wrap”, film, decal, or similar product to the body surface whereby the result is that of a political message is viewable and being displayed between the first day of filing to be a candidate and election day.

“Municipal Elections Act” shall mean the Municipal Elections Act, 1996, SO1996, c. 32 Sch, as amended or replaced from time to time and the term “Act” shall have the same meaning.

“Municipal Facility” shall include all municipal owned or Town leased buildings, structures, parks, playgrounds, or other space designed and used for a common purpose, including the lands it is situated upon but does not include municipal owned parcels or buildings that are leased to third party lessee.

“Municipality” shall mean the Corporation of the Town of Wasaga Beach.

“Municipal Law Enforcement Officer” means a person appointed by the Council of the Town of Wasaga Beach for the purposes of enforcing Town by-laws and included an Elections Officer and Clerk for the purposes of enforcing this by-law.

“Municipal Election Sign Identification Sticker” shall mean the official sticker supplied by the Town of Wasaga Beach to a candidate for use on the Candidates’ Election signs only.

“Required Municipal Sign-sticker Boundary Area” means the area of Municipally-owned property of any street or highway and their rights-of-ways, that is delineated by a utility service-line (power pole, hydro or phone box, fire hydrant or similar installation) closest to private (or public) property-lot on one side of the street, to the utility service-line closest to the private (or public) property-lot on the opposite side of the street, and includes all lands in-between.

“Official Sign” means a sign placed by the Town to control and regulate the

movement of vehicles and pedestrians, signs posted by the Town under the provision of the sign by-law, including a sign approved by the Ministry Transportation Ontario and includes signs described in the *Highway Traffic Act*.

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

“Political Advertising” means an advertising in any broadcast, print, electronic, or other medium with the purpose of promoting, supporting or opposing, a candidate or a “yes” or “no” answer to a question referred to in subsections 8(1), (2) or (3) of the Act {or corresponding sections of the Provincial or Federal Election legislation at those times}.

“Private Property” means lands which are not defined as Public Property or a Public Utility Facility including lands leased by the Town to others.

“Public Property” means property owned by or under the control of the Town of Wasaga Beach or any of its agencies, boards, corporations or commissions; including highways, boulevards and road allowances, roadside ditches, parks, gardens and shall be deemed to include public utilities facilities, regardless of whether the poles are owned by or under the control of the Town and shall also be deemed to include buses, bus shelters, benches, municipal garbage containers or other structures located on a highway regardless of whether the shelters, containers or structures are owned by the Town, and does not include property owned by the municipality but under a lease to a third party.

“Public Utility Facility” means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a municipal or public utility service, including the Town, Bell Canada, Enbridge Consumers Gas, Wasaga Distribution, Hydro One, and any other utility providers that may supply services over or within the Town’s Public Property, and further includes any subsidiaries thereof.

“Premises” includes the parking lot, adjoining fences and road allowances.

“Registered Third Party Advertiser” means, in relation to an election in a municipality, an individual, corporation, or trade union that is registered in accordance with the *Municipal Elections Act, 1996*, as amended.

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

“Roadway” means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, and, where a road allowance includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively;

“Shoulder” means a minimum distance of 2 metres (6.5 ft.) from the travelled portion of the road allowance and includes the entire gravel shoulder thereof

“Sign Height” means the vertical distance measured from the highest point of the sign to grade and includes any support structure.

“Sight Triangle” means the triangular space formed of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street line or the intersection of the tangents to the street lines, except as permitted at “T”- intersections as described in Schedule “D”, attached.

“Third Party Political Advertising” means any political advertising that appears in the six months before a fixed date general election and during any election period and is placed by or on behalf of a registered third party.

“Town” means The Corporation of the Town of Wasaga Beach”.

“Vehicle” includes any means of transportation powered by any type of motor or human power.

“Voting Place or Polling Place” means the entire building where voting will occur and the entire property associated with the building where voting is scheduled to take place, including advance-voting activities, or such place as designated by the Clerk of the Town, on those dates when voting is to occur and includes the period 24 hours preceding such voting date.

2. General Provisions

- 2.1 Prior to any election sign being erected within the municipality, for any election or by-election the candidate contact information form must be submitted to the Town, on the prescribed form attached as Appendix “A”, along with the \$100.00 deposit.
- 2.2 Any third party advertiser must register and be approved by the municipality, prior to erecting any third party political signage or engaging in any third party political advertising, in accordance with the Act.
- 2.3 No candidate or his agent or any other person shall affix, erect or otherwise display an election sign or display Political Advertising except as permitted by this By-Law.
- 2.4 No candidate or his agent or any other person shall affix or otherwise display an election sign, political advertising or permit an election sign or

political advertising to be affixed, erected or otherwise displayed:

- a) which includes electronic displays that incorporates in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description;
- b) which are located in a sight triangle;
- c) in addition to a sight triangle, any location that would, by reason of size, location, or illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device or any other sign authorized pursuant to the Sign By-law.
- d) Inside or outside of a municipal facility or on associated property, except that during the restricted period as defined by the Act, a candidate or registered third party advertiser may erect or display in a rented municipal premises in accordance with this by-law;
- e) which make use of words such as 'STOP', 'ONE WAY', 'DANGER', 'YIELD', or any similar words, phrases, symbols, lights or characters in such manner which may interfere with, mislead, or confuse traffic;
- f) on a tree, stone or other natural object;
- g) inside or outside of a voting place and the associated property on voting day or within the 24-hour period preceding voting day;
- h) in or on a bus shelter or within 9 meters
- i) on a vehicle or trailer or any mobile device, including a political vehicle display within 100 metres (325 feet) of a voting place on voting day except on private property;
- j) within 100 metres (325 feet) of a voting place on voting day or within the 24-hour period preceding voting day except upon private property;
- k) in such a position that the sign would obstruct or block the visibility of another candidate's sign;
- l) in a sight triangle as illustrated on attached Schedule "D", forming part of this by-law;
- m) on a public sidewalk or near a sidewalk so as to interfere with or obstruct normal pedestrian traffic, or within 0.5 meters of a sidewalk;
- n) in a location where the election sign:
 - i) obstructs, impedes or conceals any required fire escape, fire exit, door, window, etc. or so as to prevent or impede access or firefighters to any part of a building;
 - ii) constitutes a danger or hazard to the general public
- o) Within 100 meters of the same candidates sign erected on the same side of a named street that is also on public property, but would not consider the same candidates sign on the opposite side of the same named street on public property;
- p) Above 2 meters in height above grade, or any property except where a registered third party advertising appears on a commercially zoned property where the sign location has been approved under authority of an existing municipal sign by-law, other than this by-law.

2.5 The candidate or registered third party advertiser to whom the election sign relates shall be responsible for the election sign, maintenance or display of the election sign and shall ensure that all the requirements of this by-law

have been met.

- 2.6 No person, without lawful authority, shall pull down or remove a lawfully erected election sign or political advertising without the consent of the candidate to whom the sign relates or the owner of the property on which the sign is erected.
- 2.7 No person, without lawful authority, shall deface or willfully cause damage to a lawfully erected election sign or political advertising.
- 2.8 No person shall place an election sign or political advertising in such a position that such sign would contravene any other applicable legislation.
- 2.9 No person shall display on any election advertising or election sign upon which, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the Town or that could reasonably be mistaken for such identification.
- 2.10 No person shall erect, cause or permit to be erected election signage or political advertising, in any public park, parkette, or garden or on any public property owned or occupied by the Town of Wasaga Beach or any local board, municipal corporation or other government property except, where such Town owned property is under lease to a 3rd party lessee, or where otherwise permitted by this by-law.
- 2.11 Third Party Election Sign or Third Party Political Advertising shall not be permitted on any public property or other government property, except where otherwise expressly permitted by this by-law. Registered third party advertisers shall not be entitled to municipal sign stickers.
- 2.12 No person shall at any time on any election voting day (12:00:01 a.m. to 11:59 p.m.) or in the 24 hours immediately preceding election voting day including those days when advance election voting is held, erect, cause or permit to be erected election signage or political advertising on any grounds associated with any place being used as a polling place or voting place, including the building and parking lot, on either side of the public highway in front of and/or alongside the voting location, except on private property. In the event that a municipal facility is being utilized as a voting location, this section shall apply and no election sign shall be located within 100 meters (328 ft) of the voting location property. See Schedule "G".
- 2.13 No election signage or political advertising shall be located on either side of a public highway, road allowance including boulevards fronting or alongside or on any property owned and/or operated by the Town on which buildings/structures exist, including offices, municipal facilities, fire stations, community halls, and public library, except on private property or where municipal property is under a current lease agreement to a lessee. See Schedule "F".
- 2.14.1 No election signage or political advertising shall be located on the public

highway, road allowance or boulevard that immediately affront any other government property

- 2.14 Every candidate shall ensure that election signage or other political advertising associated with a federal or provincial election are erected or installed in accordance with the *Canada Elections Act (Federal)* or *Elections Act (Provincial)*, that in-force at the time relevant.

3. Election Signs or Political Advertising on Private Property

- 3.1 Election signs, including registered third party advertising election signs may be erected or displayed on private property if:
- a) The signs are erected with the consent of the owner or tenant of the property and in conformance with the provisions of this by-law
 - b) The signs do not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
 - c) They do not exceed 1.2 X 1.2 meters (4X4 feet) in size.
 - d) They are not located, except as provided in Schedule "D", within a Sight Triangle.
 - e) Not erected more than 2 meters above existing grade
 - f) Not affixed to any building, fence or other structure except in a commercial zone and in conformance to existing Private Property Sign By-law
- 3.2 No more than eight (8) election signs, including multiple signs of the same candidate, are permitted per residentially-zoned parcel.
- 3.3 No more than eight (8) election signs, including multiple signs of the same candidate, are permitted on any one piece of land zoned other than residential; digital or bill-board signs being used for political advertising must be included in this count.
- 3.4 For greater certainty in calculating the number of signs on a private lot in Sections 3.2 or 3.3 above, any election signs which are on Municipal property outside of the Required Municipal Sign-Sticker Boundary (don't require a sticker) and such signs that immediately abut the private property in question, then these signs shall be included in the calculation for that adjacent property.
- 3.5 An political advertising may be displayed on an illuminated billboard or digital display provided that each billboard structure or digital display sign has been installed under the authority of a permit issued under the applicable Town of Wasaga Beach By- Law. Any such illumination shall be of a constant (non-flashing) light. Full motion pictures or moving animated graphics shall not be permitted on digital display: messages can be cycled at no more than 1 message per minute of display time; mobile signs cannot be used for political advertising.
- 3.6 The use of any otherwise approved sign structure is governed by the

Town of
Wasaga Beach's Sign By-Law.

- 3.7 Where vision of a sign on private property to the abutting street is obstructed as to prevent a reasonable and prudent person to have difficulty identifying the candidates name/position sought, then the resident may place the permitted election sign(s) immediately outside their property line facing the street (parallel) and as close to the property line as reasonably possible.

4. Election Signs on Public Property

- 4.1 Candidates or registered third party advertisers may not use any municipal facilities for any election-related purposes, except where existing policy permits the rental of an internal space (room(s)) that can be physically closed to the general public and have access to washroom facilities other than those needed by the general public in the building and where any election signage or political advertising can be contained wholly within the rented space and not visible to the general public; subject to section 4.1.1, 4.1.2, 4.1.3, and 4.1.4 below.
- 4.1.1 Where a municipal facility is rented to a candidate or registered third party advertiser signage shall be limited to one (1) A-frame sign, that is 24" x 36" maximum size and may be displayed at the lot entrance on the day of the event only. The content of the sign shall simply provide the candidates name followed only by the word "EVENT", and a directional arrow only; no other words, text, or graphics shall be permitted. Similar smaller signage up to 8 ½ x 11 may be erected within the facility to guide invited guests only, to the proper location.
- 4.1.2 Where a municipal facility is rented to a candidate or registered third party advertiser, no person attending shall, while on municipal property including the common areas inside the building that are open to the public, on in exterior areas including lot entrances, shall wear or display any button, pin, clothing or other item that has a political message, slogan, symbol or other political advertising, except within the private rented space and associated washroom areas.
- 4.1.3 Where a municipal facility is rented to a candidate or registered third party advertiser, no person attending shall, while on municipal property including the common areas inside the building that are open to the public or lot entrances, shall display, distribute or otherwise disseminate political advertising, except with the private rental space and associated washroom areas.
- 4.1.4 No person shall park a vehicle that is a political vehicle display at any municipal facility, regardless if there is a candidate event or arranged all-party forum, nor shall they park said vehicle on an abutting street directly adjacent to the municipal facility, at any time during the 6 months preceding an election or on voting day.

- 4.2 Except where otherwise prohibited by this by-law, election signs shall be permitted within the Required Municipal Sign-Sticker Boundary along highways (roads & streets), providing that each Election sign displays the required Municipal Election Sign Identification Sticker. Signs shall not be placed on the traveled surfaces and shoulders of highways or within intersection “islands”, boulevards or Sight Triangles or within 0.5 meters of any sidewalk, except as provided in Schedules “C”, “D” and “E” attached and in conformance with the rest of these by-law provisions.
- 4.3 No person shall at any time place an election sign, or cause an election sign to be placed on public property or on highways adjacent to any public property owned by or under the control of the Town of Wasaga Beach, except as provided under this by-law and the Town’s other sign by-laws.
- 4.4 The restrictions on public property election signage do not apply to a motorized vehicle that has political advertising displayed on its’ surface where the principle use of the vehicle is for the transportation of people on the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic, except that such vehicles shall not be permitted at municipal facilities, including sports parks properties or parked on roads immediately abutting such locations or at voting locations on voting day or within 24-hour preceding voting day.
- 4.5 This By-Law shall not apply to signs erected, placed or displayed by the Town to provide information concerning the election or any part of an election process or where an all-candidate event may, with Town’s consent, permit limited signage to be displayed for the purpose of the event only.
- 4.6 Election Signs shall not be located, erected or displayed:
- a) On any centre median, centre boulevard, boulevard, traffic island, roundabouts, traffic circle, rotaries, or variations thereof;
 - b) In or on overhanging public property, including a Town park, parkette, garden or open space, or a facility that is owned, operated or controlled by the Town except properties leased to a 3rd party lessee and associated property or on the adjacent Highway thereto;
 - c) On any building or structure or property owned or operated by the Town or its local boards, except properties leased to a 3rd party lessee, or on the adjacent Highway thereto;
 - d) So as to obstruct, impair, impede or hinder the movement of vehicular or pedestrian traffic, or the visibility of railway crossings, warning devices and traffic signs or signals;
 - e) On a sidewalk or within 0.5 meters of any sidewalk;
 - f) On a utility pole or light standard;
 - g) On any official sign or official sign structure
 - h) On, inside, or outside of a location/building or facilitated property or adjacent highway designated as a voting location, except as otherwise permitted by this by-law.
 - i) Above 2.0 meters in height except as otherwise permitted by this by-

- law
- j) Within 100 meters of the same candidates sign erected on the same side of a named street that is also on public property, but would not consider the same candidates sign on the opposite side of the same named street on public property;
- 4.7 The number of election signs, on public property, is restricted to twenty-five (25) small signs no larger than 1.2 meters' x 1.2 meters per candidate in a municipal election and 50 per candidate in a Provincial or Federal election.
- 4.8 Upon payment of election sign deposit, the Town will provide 25 Election Sign Identification Stickers for use on approved signs to certified municipal candidates (or 50 for Provincial or Federal candidates)
- i) Approved stickers must be placed on the top right hand corner of the election sign, facing direction of oncoming traffic in the closest lane.
- ii) Replacement stickers for lost, damaged or stolen signs may be purchased at a cost of \$10.00 each.
- iii) Stickers cannot be given or lent to other candidates for use on their signs.
- 4.9 Candidates are required to complete the election Signs Deposit form included as Schedule "A" to this by-law. By completing this form, each candidate shall register with the Town and submit it to the Town, along with the required \$100 deposit before signs are erected.
- 4.10 Sign guidelines:
- i) signs that are single or double sided are considered one sign;
- ii) small signs that are erected beside each other and attached as a "v" sign is considered to be two signs and require two stickers;
- iii) double sided billboards are considered one sign, if it contains the same message;
- iv) double sided (printed on both sides) or back-to-back signs, with the same message mirrored on each side, and the exact same size are to be one sign. This could mean that stakes are used or stapled or glued, etc. between two panels to create one sign that is double sided with a mirror image; two different messages would constitute two signs and require 2 stickers;
- v) Schedule "B" attached hereto and forming part of this by-law, provides a diagram of sign guidelines, for illustrative purposes only.
- 4.11 In determining the Required Municipal Sign-Sticker Boundary line, the following criteria are used:
- a) The boundary line is the area of Municipally-owned property of any street or highway and their rights-of-ways, that is delineated by a utility service-line (power pole, hydro or phone box, fire hydrant or similar installation) closest to private (or public) property-lot on one

side of the street, to the utility service-line closest to the private (or public) property-lot on the opposite side of the street, and includes all lands in-between.

- b) Election signs may only be placed on a public highway adjacent to a residential property except where the owner or occupant of the adjacent residential property objects to the placement of the sign.
- c) Candidates are to place their signs either completely on private property, with consent, or on the road allowance. Signs straddling the boundary line will not be permitted, unless they have an approved election identification sticker.
- d) Schedule "E", attached hereto and forming part of this By-Law, provides a diagram of the required municipal sign-sticker boundary line requirements, for illustrative purposes only.

5. Timing

- 5.1 No candidate or his agent or any other person shall affix, erect or otherwise display an election signage or political advertising or permit to cause an election signage or political advertising to be erected, affixed, or on public or government property, or on private property visible to the general public or otherwise displayed prior to:
 - a) the issuance of writs for a provincial or federal election
 - b) eight (8) weeks (56 days) immediately preceding the day of a municipal election; however, not before the candidate has filed his or her nomination papers and paid the required filing fee and been certified.
- 5.1.1 The person, including registered third party advertisers, shall not sell, offer for sale, display at a place of business or elsewhere, or distribute political advertising materials (including free of charge), except at private events as regulated by this and other by-laws, prior to:
 - a) the issuance of writs for a provincial or federal election
 - b) eight (8) weeks (56 days) immediately preceding the day of a municipal election; however, not before the candidate has filed his or her nomination papers and paid the required filing fee and been certified.
- 5.2 In order to prepare for the placement of election signs, the candidate or his or her agent may make the required \$100 deposit with the Town at any time prior to the above timelines noted in Section 5.1. In all cases, such deposit shall be made to the Municipality prior to erecting any Election signage.
- 5.3 Despite Section 5.1, election signs may be erected at campaign offices in accordance with the Private Property Sign Bylaw once the candidate has filed his or her nomination papers and paid the required filing fee.
- 5.4 All election signs or political advertising shall be removed within seventy-two (72) hours immediately following 11:59 p.m. of the day of the election. The candidate shall be responsible for the removal of his or her election signs within the prescribed timeframe. Registered third party advertisers are also required to comply with this requirement for all signs advertising that

they have sponsored.

6. Removal of Unlawful Election Signs

- 6.1 Where an election sign or political advertising, including registered third party advertiser signage or advertising has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law or Sections 88.3, 88.4 or 88.5 of the Act (or corresponding Provincial or Federal Election Act provisions), Town of Wasaga Beach Municipal Law Enforcement Officers or any other individual designated by the Town Clerk may cause the sign to be removed immediately without notice or liability and/or take any further action as provided within this By-Law or other applicable by-laws.
- 6.2 Signs that have been removed under Section 6.1 shall be stored by the Town for a minimum of 30 days, during which time the owner of the sign or the owner's agent may retrieve the sign by contacting the Municipal Law Enforcement Department and paying the required sign removal and return fee as determined by Council from time to time. No campaign sign shall be returned to the sign owner on Election Day.
- 6.3 Any election sign that is stored by the Town for more than thirty (30) days and not redeemed by the owner of the sign or his/her agent within that period of time, may be destroyed or otherwise disposed of by the Town without notice and without compensation to the owner of the sign.
- 6.4 The Town shall not be liable for any damage or loss of campaign sign that was displayed in accordance with this By-law or that was removed by an Officer of the Town.

7. Penalties and Offences

- 7.1 Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine not to exceed ten-thousand (\$10,000) dollars for each offence, as provided by Section 429 of the *Municipal Act, S.O. 2001, c.25* as amended.
- 7.2 Where an offence continues for more than one calendar day, each and every day the original offence continues, shall be considered a separate offence. Where multiple offences occur on the same day at more than one municipal address, then each separate municipal address location shall be deemed to be separate and distinct offences.
- 7.3 It shall be an offence for a person to hinder or obstruct, 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*.

- 7.4 Failure to immediately remove an Election sign or advertising, when notified by the Town, shall constitute obstruction under section 7.3 above.

8. Liability

- 8.1 The provisions of this By-Law shall not be construed as relieving or limited 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 or her agents or employees, in the construction, erection, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on The Corporation of the Town of Wasaga Beach, its officers, employees, servants, agents and contactors any responsibility of liability (whatsoever) by reason of the removal of any sign.

9. Conflicts

- 9.1 In the event of a conflict between the provisions of this by-law and the provisions of another by-law of The Corporation of the Town of Wasaga Beach regulating signage, the provisions of the more restrictive enactment shall prevail.
- 9.2 On the date of the final passing of this by-law, By-law 2013-89, being a by-law to regulate the placement of Election Signs, is hereby repealed.

10. Other Laws

- 10.1 Nothing in this by-law relieves any person of the responsibility for adhering to other applicable laws where regulating signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required or for obtaining the approval of the property owner.

11. Validity

- 11.1 In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be *ultra vires*, such provision or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

12. Title

- 12.1 This by-law may be cited as the "Election Advertising and Sign By-Law".

13. Force and Effect

- 13.1 This By-Law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26TH
DAY OF JUNE, 2018.**

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Laura Borland, Deputy Clerk

SCHEDULE "A"

**THE CORPORATION OF THE TOWN OF WASAGA BEACH
ELECTION SIGNS DEPOSIT AND RETURN FORM**

Deposit required for erection of election signs within the
Town of Wasaga Beach
Deposit will be returned upon removal of the signs within the required
seven (7) days after the Election

Signs permitted: 25 no larger than 1.2m x 1.2m

Please complete the form below and return it with your payment of \$100.00 to the Town of Wasaga Beach Clerk's Office at Town Hall, 30 Lewis Street, Wasaga Beach.

Candidate Name/Registered Third Party Advertiser:	
Address:	
Phone #:	Cell #:
Email Address:	

I, the undersigned, do hereby acknowledge that I have received and read a copy of the Town of Wasaga Beach Election Sign By-Law and agree to the conditions contained therein. I understand that any contravention to the By-Law may result in the waiver of this deposit.

Upon satisfactory removal of all municipal elections signs by a candidate/registered third party advertiser from public and private property within seven (7) days after Election Day, this deposit will be returned to the candidate/registered third party advertiser in a timely manner.

Signature

Date

Deposit Received:	# of Stickers Issued:
Date Signs Removed:	Refund Returned:
# of Additional Stickers Issued:	Date:
Default/Waiver of Deposit Due to (please explain):	

Schedule 'B' - ELECTION SIGN GUIDELINES



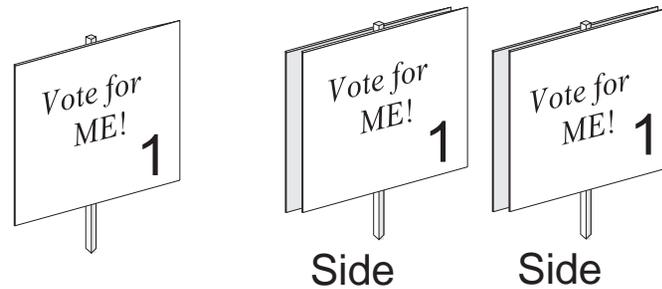
Municipal Property Sign Dimension Guidelines, Per Candidate:

Maximum of 25 signs
no larger than
1.2m x 1.2m (4ft x 4ft)

All 2 surface signs will be the same dimensions and material on each surface

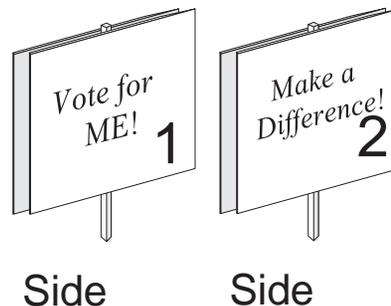
Deemed to be 1 Small sign - 1 sticker

2 sides
One or more stakes Same message = **1 sign**



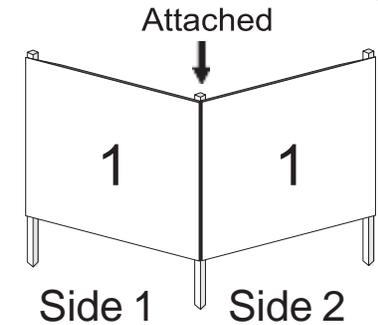
Deemed to be 2 signs - 2 stickers

2 Sides
One or more stakes
Different message = **2 signs**



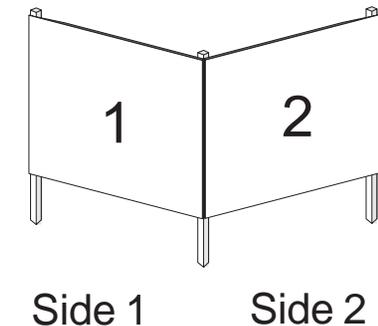
Deemed to be 2 sign - 2 stickers

1 sign comprised of 2 small
Same message
3 or more stakes = **2 signs**



Deemed to be 2 signs - 2 stickers

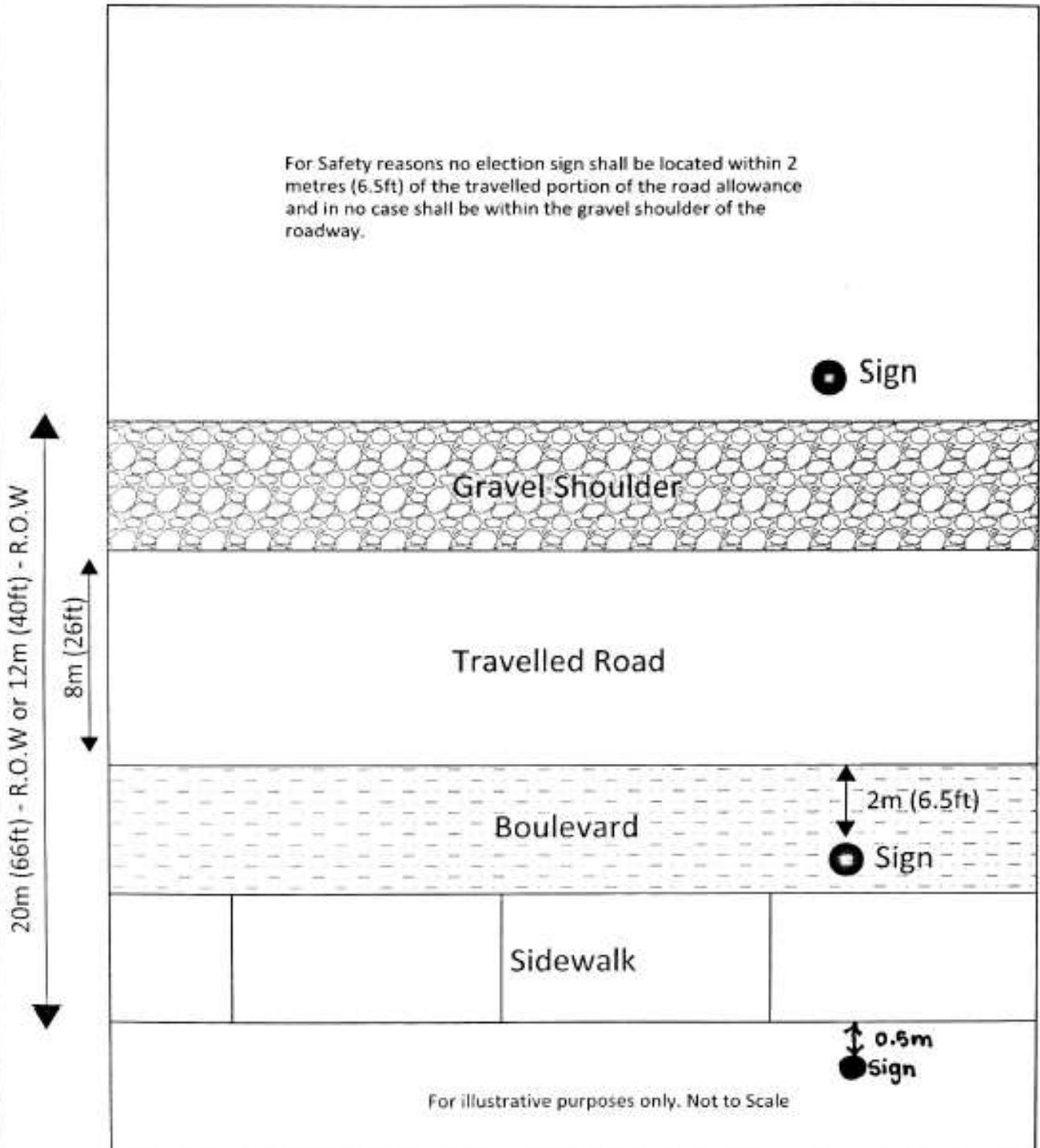
1 sign comprised of 2 small
Different message
3 or more stakes = **2 signs**



Schedule 'C'

SETBACK FROM ROAD ALLOWANCE Election Sign By-law

For Safety reasons no election sign shall be located within 2 metres (6.5ft) of the travelled portion of the road allowance and in no case shall be within the gravel shoulder of the roadway.

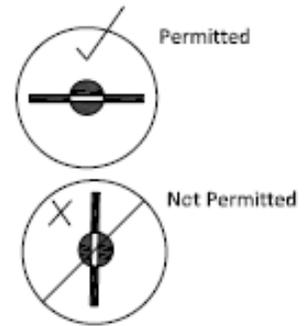


Schedule 'D'

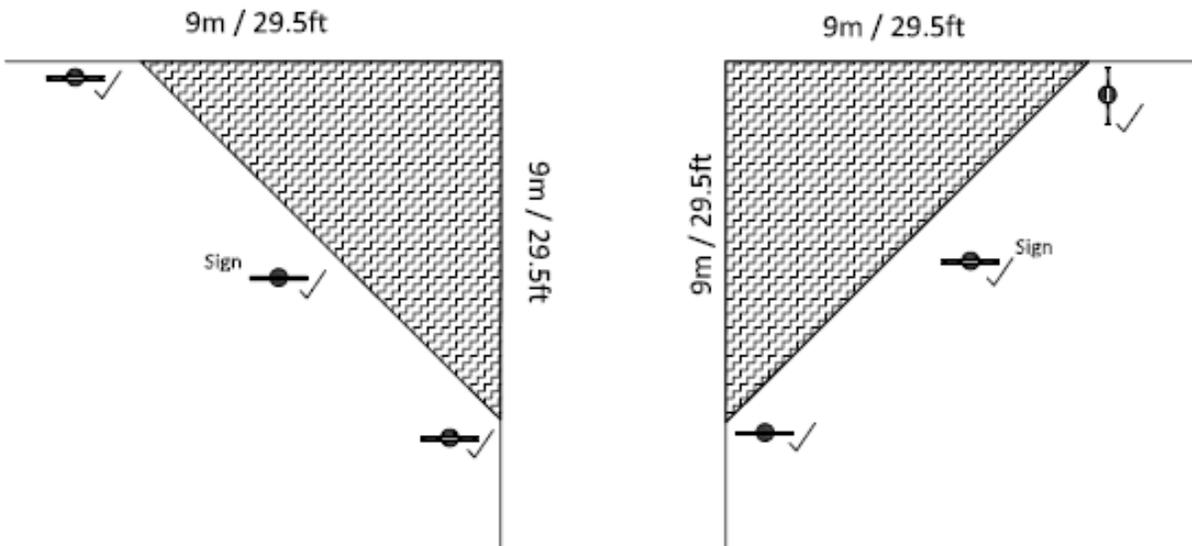
SIGHT TRIANGLE

Election Sign By-law

For safety reasons no election sign shall be located within 9 metres (29.5ft) of an intersecting street.



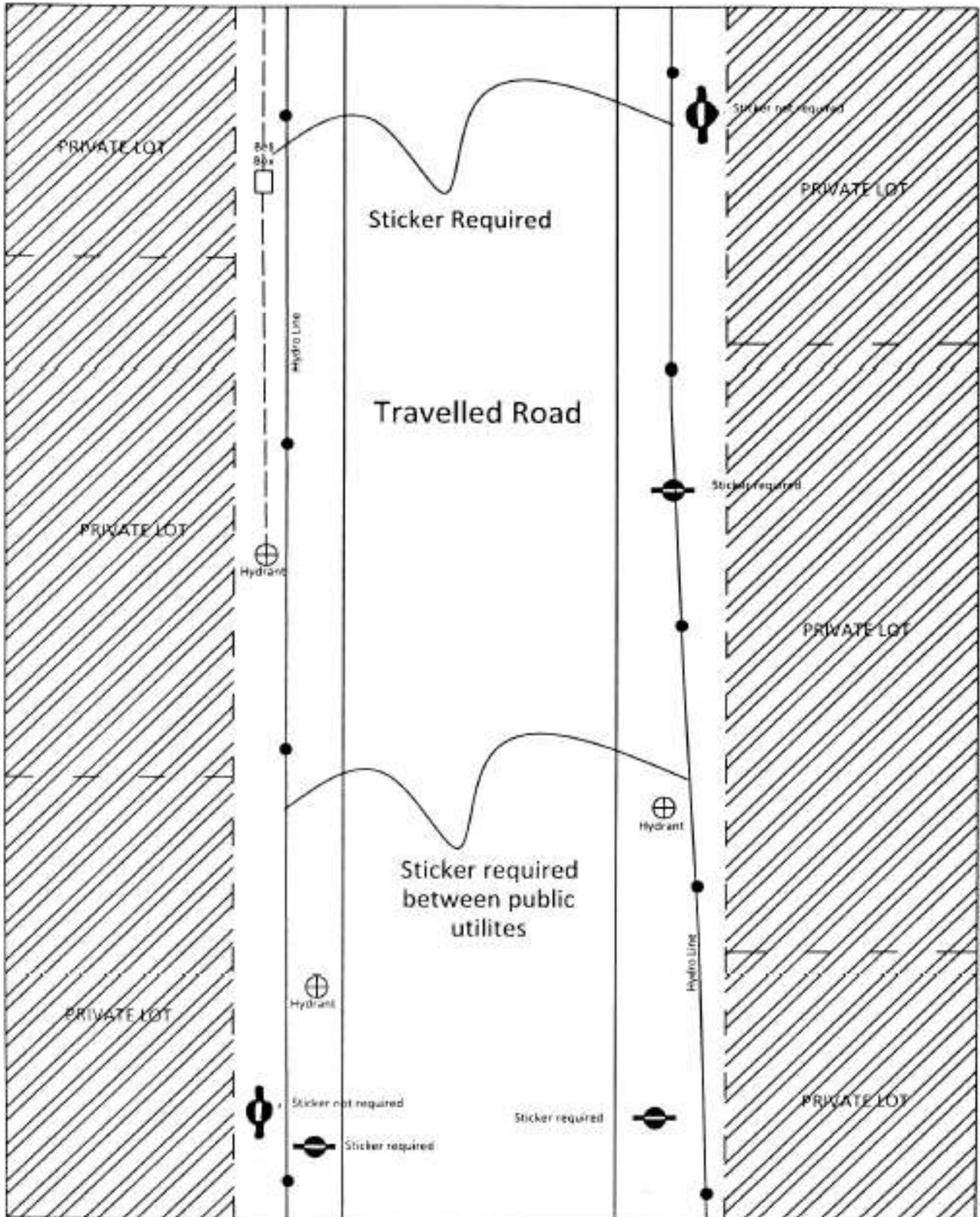
Travelled Road Intersection



Illustrative purposes only. Not to Scale.

Schedule 'E'

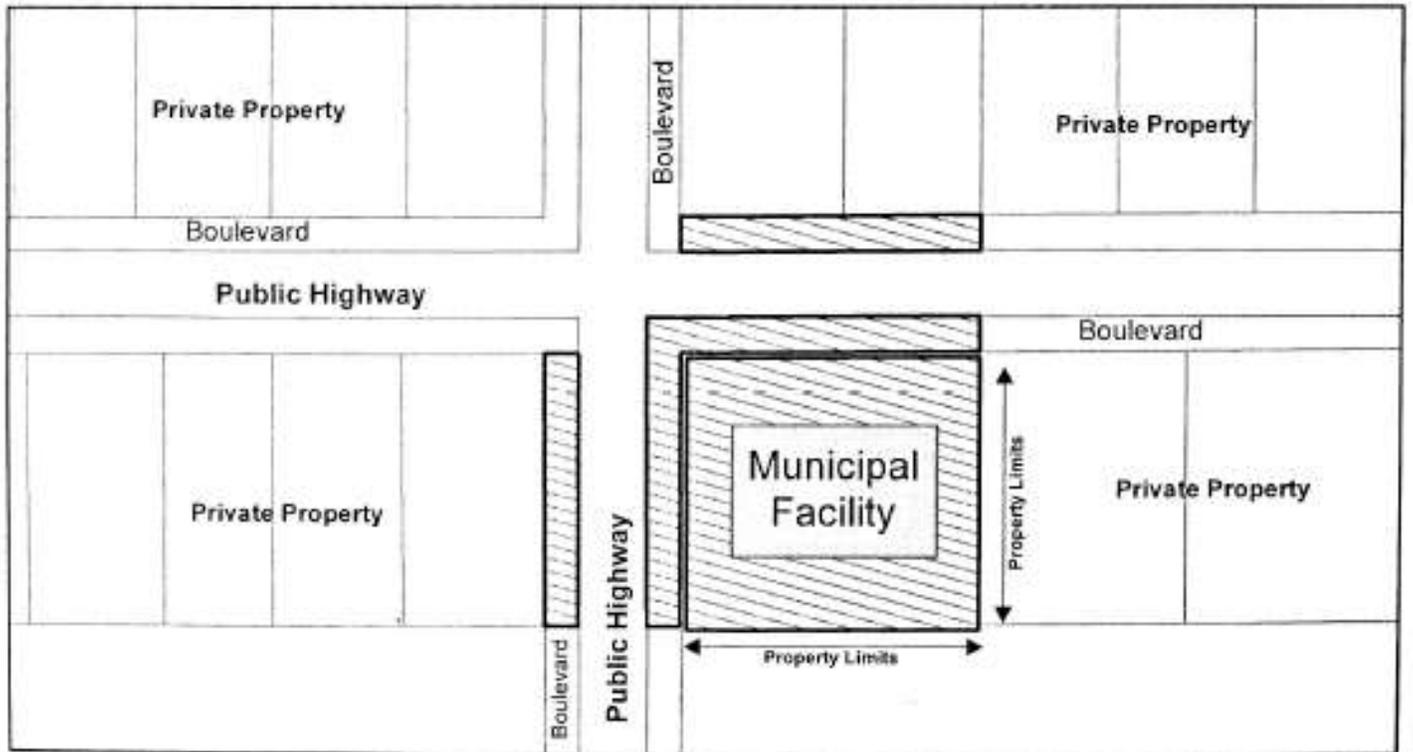
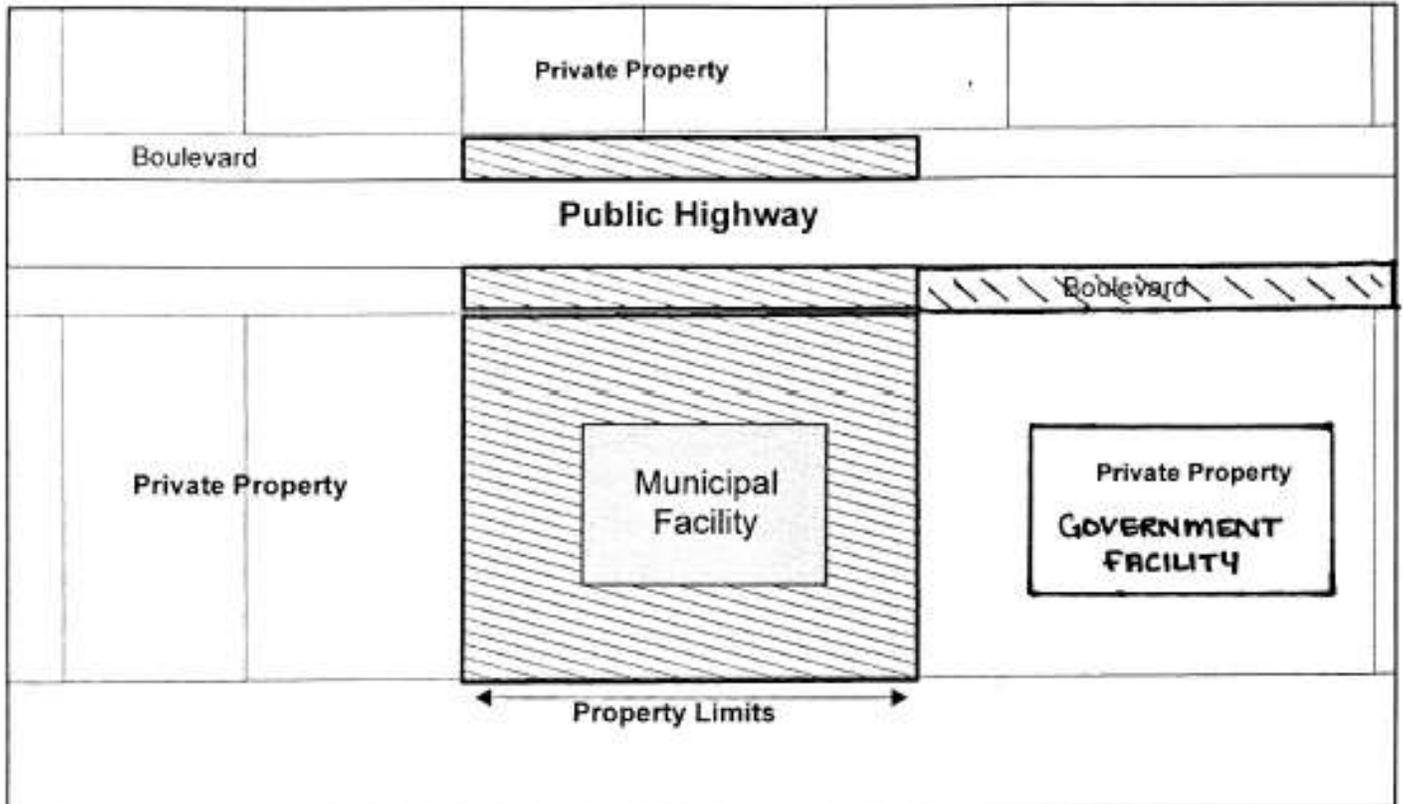
Required Municipal Sign Sticker Boundary Area
(Sticker Required)
Election Sign By-law



Schedule 'F'

Municipal Property - Prohibited Areas

 Prohibited Areas



Schedule 'G' Voting Location - Prohibited Areas

 Prohibited Areas

