

THE CORPORATION OF THE TOWN OF HAWKESBURY

By-law N° 22-2010

A by-law to regulate election signs

(consolidated with By-law N° 14-2018)

WHEREAS election signs are regulated with other kind of signs in By-law N° 75-2001;

AND WHEREAS it is deem expedient to adopt a separate by-law that would govern election signs for federal, provincial and municipal elections.

NOW THEREFORE the council of the Corporation of the Town of Hawkesbury enacts as follows:

SECTION 1 – DEFINITIONS

- 1.1 “Advertisement vehicle” shall mean a vehicle designed for the purpose of displaying an advertisement of goods or services, or a message, travelling on highways and on which messages are temporary and can be easily removed, and replaced by another;
- 1.2 “Candidate” shall have the same meaning as in the Canada Elections Act, the Election Act, the Municipal Elections Act, as they may be amended from time to time;
- 1.3 “Election sign” shall mean any temporary sign, including posters, advertising, promoting, supporting, opposing or taking a position on the election of a political party or a candidate for public office in a federal, provincial or municipal election or on a question or by-law submitted to the electors and includes a vehicle with decals and/or lettering and signs erected or displayed by a Registered Third Party; **(replaced by By-law N° 14-2018)**
- 1.4 “Highway” shall have the same meaning as the Highway Traffic Act, as amended;
- 1.5 “Mobile sign” shall mean 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;
- 1.6 “Municipality” shall mean the geographic area located within the Corporation of the Town of Hawkesbury;
- 1.7 “Public property” shall mean property that is owned by or under the control of the Corporation of the Town of Hawkesbury or its agencies, boards, or commissions and includes public highways, and shall be deemed to include

public utility poles, regardless of whether the poles are owned by or under the control of the municipality;

- 1.8 “Public utility poles” shall mean a pole owned or controlled by the municipality or another entity which provides a municipal or public utility service, including Bell Canada, Hydro and any subsidiaries thereof;
- 1.9 “Registered Third Party” shall mean, in relation to an election in the municipality, an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*, as amended; **(added by By-law N° 14-2018)**
- 1.10 “Vehicle with decals and/or lettering” shall mean a temporary advertisement placed on a private or commercial vehicle and for the purpose of the present by-law shall be considered an election sign;
- 1.11 “Voting place” shall mean a place where a polling station is established and electors may cast their ballot and shall include the entire property upon which the polling station is established. For the purpose of municipal elections, the Town Hall located at 600 Higginson Street in Hawkesbury shall be considered as a voting place.

SECTION 2 – GENERAL

- 2.1 **THAT** no person shall erect, attach, place or display an election sign except in accordance with the provisions of this by-law.
- 2.2 **THAT** no permit shall be required from the municipality for the erection of election signs.
- 2.3. **THAT** no person shall erect, locate, or otherwise display an election sign:
- 2.3.1 in the case of a municipal election, prior to 30 days from voting day as defined in the *Municipal Elections Act, 1996*, as amended; **(replaced by By-law N° 14-2018)** and
- 2.3.2 in the case of a federal or provincial election, prior to the issuance of the writ for the election.
- 2.4 **THAT** all election signs shall be removed no later than five days following voting day of the election for which the signs were erected or installed.

SECTION 3 - PROHIBITIONS

- 3.1 **THAT** no person shall erect, locate, or otherwise display an election sign on a tree, a public utility pole, an official sign or overhanging a public highway.
- 3.2 **THAT** no person shall use or cause to be used a mobile sign.

- 3.3 **THAT** no person shall use or cause to be used an advertisement vehicle.
- 3.4 **THAT** no person shall use or cause to be used the municipality's logo, signature or coat of arms on election signs.
- 3.5 **THAT** no person shall erect, locate, or otherwise display an election sign that is illuminated, has flashing or rotated lights, or simulating any traffic control device.

SECTION 4 – PUBLIC PROPERTY

- 4.1 **THAT** no person shall erect an election sign on the following properties and all abutting land including inside the buildings thereon:
- Town Hall, 600 Higginson Street
Public library, 550 Higginson Street
Robert-Hartley Sports Complex, 425 Cartier Boulevard
Ontario Provincial Police station, 419 Cartier Boulevard
Fire station, 780 Spence Avenue
Municipal garage, 855 Main Street East
Waste water treatment plant, 815 Main Street East
Water filtration plant, 670 Main Street West
Pioneers' Place, 351 Main Street East
Confederation Park, Maison de l'île and Richelieu gazebo, 2 & 3, John Street
- 4.2 **THAT** no person shall erect an election sign on any property that is under the financial control of the municipality such as: Hawkesbury Hydro and Hawkesbury Community Industrial Strategic Planning Association.
- 4.3 **THAT** no person shall erect an election sign in any public park owned or occupied by the municipality including road allowance abutting a public park.
- 4.4 **THAT** no person shall erect an election sign in such a manner that it obstructs the visibility of pedestrians, cyclists or a motor vehicle, or obstructs a traffic sign or device or in any way interfere with vehicular traffic. A sight triangle of 4.5 meters in length in residential zones and 6 meters in all other zones shall be respected. **(replaced by By-law N° 14-2018)**
- 4.5 **THAT** no person shall erect, locate or display an election sign within a highway where the election sign is larger than 0.9 square meters (9.6 square feet) and if abutting a built property, without the consent of the owner.
- 4.6 **THAT** no person shall park a vehicle with decals and/or lettering at one of the premises stipulated at section 4.1 unless having business there and being physically inside the premises.

- 4.7 **THAT** no person shall erect, locate or display an election sign on a highway that is not under the jurisdiction of the municipality without the consent of the authority responsible for the highway.

SECTION 5 – PRIVATE PROPERTY

- 5.1 **THAT** no person shall erect, locate or display an election sign on a private property unless having authorization from the owner.
- 5.2 **THAT** no person shall erect, locate or display an election sign on a private property in a manner as to obstruct the visibility of motor vehicles coming out from neighbouring properties.
- 5.3 **THAT** no person shall erect, locate or display an election sign where such sign constitutes a safety hazard to the general public.

SECTION 6 – OTHER PROVISIONS

- 6.1 **THAT** no person shall deface or wilfully cause damages to a lawfully erected election sign.
- 6.2 **THAT** no person shall erect, locate or display an election sign containing heinous messages against another candidate.
- 6.3 **THAT** an election sign purchased by or under the direction of a candidate shall display on the back of the sign, the name of the candidate and include a telephone number, mailing address or e-mail address at which the candidate may be contacted regarding the sign. **(added by By-law N° 14-2018)**
- 6.4 **THAT** an election sign purchased by or under the direction of a registered third party shall predominantly display the name of the candidate or the “yes” or “no” answer to a question for which the third party is registered, it shall not be used to advertise the activities of the registered third party and shall display at the back of the sign, the name of the registered third party and include a telephone number, mailing address or e-mail address at which the registered third party may be contacted. **(added by By-law N° 14-2018)**

SECTION 7 – REMOVAL OF DEROGATORY SIGNS

- 7.1 **THAT** election signs that are erected in violation of this by-law shall be removed by the candidate within two days of verbal notification. Thereafter, it shall be removed by the municipality and stored at the candidate’s expense as per Schedule “A” attached hereto.
- 7.2 **THAT** the clerk’s decision to ask for or to authorize the removal of an election sign shall be final.

- 7.3 **THAT** the clerk's department shall request the destruction of any election sign that has been seized and has not been claimed and retrieved by the candidate or his/her authorized agent within 30 days after the election.
- 7.4 **THAT** upon payment of the fees as per Schedule "A" attached hereto, election signs shall be returned to the candidate, provided:
- 7.4.1 the candidate shall be required to contact the clerk's department on a business day to make an appointment for the retrieval of the election signs;
- 7.4.2 no election signs shall be returned on voting day.
- 7.5 **THAT** the costs incurred by the municipality to remove election signs and the restoration of a site if applicable shall have priority lien status under the Municipal Act, 2001 as amended and may be added to the collector's roll and collected in the same manner as municipal taxes. In addition, the cost incurred by the municipality is a debt and may be recovered in any court of competent jurisdiction.

SECTION 8 – PENALTIES

- 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, as amended.

SECTION 9 – EFFECTIVE DATE

- 9.1 **THAT** By-law N° 75-2001 is hereby amended by deleting subsection 2.1.12 "Election signs" and subsection 4.1 (a) Permit exemptions.
- 9.2 **THAT** this by-law shall come into force and take effect on the date of the passing thereof.

**READ A FIRST, SECOND AND DULY PASSED UPON THIRD READING
THIS 26TH DAY OF APRIL 2010.**

Mayor

Clerk

SCHEDULE "A" – BY-LAW N° 22-2010

Sign	Fees
Retrieval of election sign erected prior to nomination day	\$100.00 per sign
Retrieval of election sign during election period	\$ 50.00 per sign
Retrieval of election sign after voting day	\$100.00 per sign