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**The Corporation of the
Municipality of Clarington
By-Law 2016-004**

Being a By-law to regulate the placement of election signs.

Passed, by Council, on: February 8, 2016

Consolidated as of: January 12, 2021

Amendments:

Amending By-Law	Date	Amendment Details
2017-091	November 20, 2017	Amend Section 1 and add new Section; Add Section 9.1 (a) and 9.2 (a)(b)(c); Add Section 17.1; Amend Sections 29 and 30
2018-045	April 30, 2018	Add definition to Section 1; Add words to Section 7; Add Sections 24.1, 35.1
2018-062	July 3, 2018	Delete Section 10 d)
2018-092	September 17, 2018	Add New Section 10.1; Add Section 16(2)

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THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NUMBER 2016-004

Being a By-law to regulate the placement of election signs

WHEREAS paragraph 7 of subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 states that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Council deems it desirable to repeal the Election Sign By-law 2010-015 and replace it with a new updated Election Sign By-law to ensure public safety on our roads and highways during an election period.

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts as follows:

PART I - INTERPRETATION

Definitions

1. In this By-law,

“broadcast” means to transmit by radio or television;

“campaign office” means the administrative office or offices for a candidate in an election;

"candidate" shall have the same meaning as in the *Canada Elections Act*, S.C. 2000, c. 9, the *Election Act*, R.S.O. 1990, c. E. 6 or the *Municipal Elections Act*, 1996, S.O. 1996, c. 32 as applicable, and shall be deemed to include a person or an agent for a registered person seeking to influence another person to vote for or against any question or by-law submitted to the electors;

“display” includes erect, attach, place and maintain;

“election” means any federal, provincial or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission;

“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,

- a) device advertising or promoting a candidate in an election;
- b) device advertising, advocating or discouraging the public from voting for a candidate or political party in an election or by-election; or
- c) object or item 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 electors under section 8 of the *Municipal Elections Act, 1996*; and does not include any campaign literature or an item of apparel bearing the name or image of the candidate, unless it is worn or displayed at a voting place;

"highway" shall have the same meaning as the *Highway Traffic Act*, R.S.O. 1990, c.H.8, and includes unopened road allowances;

"mobile election sign" means a temporary sign which is not permanently affixed to the ground or to any structure, and typically designed for the rearrangement of copy on the sign face, and which is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels in such a manner so as to be able to be moved from place to place, which is being used as an election sign, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people, goods or other materials;

"Municipal Clerk" means the Municipal Clerk of the Municipality, or a designate;

"Municipality" means The Corporation of the Municipality of Clarington;

"Officer" means an officer appointed by the Municipality for the purpose of enforcing Municipal by-laws, any employee of the Municipal Operations Department whose duties include enforcement of this By-law and the Durham Regional Police;

"Operations Department" means the Operations Department of the Municipality;

"person" includes an individual, partnership, natural person, candidate, his or her agent or any representative of a candidate, or registered third party;

"registered third party" means an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*.

“public park” means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise to the Municipality, that is established, dedicated, set apart or made available for use as woodlot, ravine, recreation centre, square, garden, walkway, water or any other area in the Municipality, devoted to active or passive recreation including the adjacent road allowance;

“public property” includes highways, public parks, public utility poles, street lights, stop lights, and similar utilities and infrastructure located within a highway regardless of whether the item/utility/structure is owned by or under the control of the Municipality or any of its agencies, boards or commissions, and includes any lands belonging to or owned by any federal, provincial or regional authority;

"public utility pole" means a pole owned or controlled by an entity which provides a municipal, regional or public utility service, including street lights, stop lights, Bell Canada, Hydro One and any subsidiaries thereof;

“total sign height” means the total height of an election sign measured from grade to the top of the sign structure;

“urban area” means an urban area shown in the Municipality’s Official Plan;

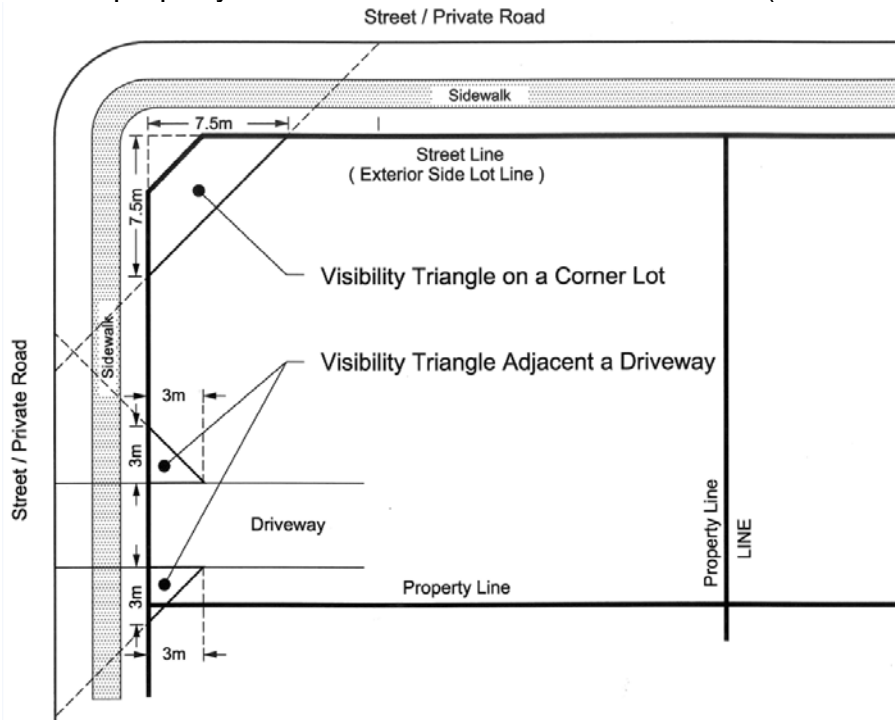
“vehicle election sign” means any form of signage, poster or vehicle wrap placed on or attached to a vehicle to show support for a candidate or any question or by-law submitted to the electors and includes any motor vehicle, trailer or any vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, whether actively being operated on the highway or parked at any location;

"visibility triangle" means a triangular shaped area of land abutting a highway or private road that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting onto or driving on the highway or private road;

As illustrated, a visibility triangle shall be determined as follows:

- a) The visibility triangle adjacent to an exterior side lot line shall be the area enclosed by each of the street lines measured to a point specified in the applicable Municipal Zoning By-law back from the intersection of the street lines, and a diagonal line drawn between these two points.
- b) The visibility triangle from a driveway, lane or right-of-way shall be the area enclosed by the line along the limits of the driveway and the street line measured to a point 3.0 metres back from the intersection of the street lines and the limit of the driveway, lane or right-of-way and a diagonal line drawn between these two points.

- c) The visibility triangle extends beyond private property into the road allowance as illustrated. For the purposes of this By-law the distance along the property line shall be measured at 7.5 metres (24.6 feet).



“voting day” means the day on which the final vote is to be taken in an election pursuant to the relevant provincial or federal legislation, and includes any day in which advanced votes are taken;

“voting place” means the location where election ballots are collected and tabulated; and

“zone” means an area of land with designated permitted uses and restrictions as set out in the Municipality’s Zoning By-laws 84-63 and 2005-109.

References

2. In this By-law, reference to any Act or By-law is reference to that Act or By-law as it is amended or re-enacted from time to time.
3. Unless otherwise specified, references in this By-law to sections or schedules are references to sections or schedules in this By-law.

Word Usage

4. This By-law shall be read with all changes in gender or number as the context requires.
5. In this By-law, a grammatical variation of a word or expression defined has a corresponding meaning.

Severability

6. Each section of this By-law is an independent section, and the holding of any section or part of any section of this By-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other sections of this By-law.

Application

7. This By-law applies to all election signs and election campaign advertisement displayed within the Municipality.

Schedule

8. Schedule A (Removal Fees) is attached to and forms part of this By-law.

PART II - RESTRICTIONS

General

9. No person shall display any election sign except as permitted by this By-law.
 - 9.1 All candidate signs shall include:
 - a) name of candidate
 - 9.2 All registered third party advertisement signs shall include:
 - a) name of registered third party;
 - b) the municipality where the registered third party is registered; and
 - c) telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

10. No person shall display any election sign on any highway under the jurisdiction of the Municipality unless,
 - a) where there is a curb, the sign is displayed a minimum of 1 metre back from the curb;
 - b) where there is no curb, the sign is displayed a minimum of 2 metres back from the edge of the travelled portion of the highway;
 - c) the sign is not displayed within a 500 metre radius of another election sign on any highway for the same candidate;
 - d) DELETED SECTION – See By-law 2018-062;
 - e) the sign is not displayed on any median, traffic island, shoulder, post, pole or support;
 - f) the sign is displayed not within 20 metres of a public mailbox;
 - g) the sign is not displayed in such a manner as to obstruct the vision of drivers or interfere with the visibility;
 - h) the sign is not displayed in such a manner as to obstruct any sidewalk or walkway; and
 - i) the sign is not otherwise prohibited by this By-law.
- 10.1 Notwithstanding section 10 (c) and subject to all other regulations of this bylaw; signs may be displayed with-in 500m of a sign for the same candidate where there is a residential dwelling fronting onto the portion of the highway where the sign is to be displayed.
11. Notwithstanding section 10, a vehicle lawfully operated on the highway may have an election sign attached.
12. No person shall permanently attach any election sign to a tree or fence.
13. No person shall display any election sign or mobile election sign which has any,
 - a) flashing lights or rotating parts;
 - b) illumination; or
 - c) appearance which simulates any traffic control device.
14. No person shall display the Municipality's logo, crest or seal in whole or in part, on any election sign.
15. No person shall, at any time on any voting day, display an election sign on any premise used as a voting place.
- 16.1 No person shall display an election sign that,
 - a) is located within a visibility triangle;
 - b) has a total sign height in excess of 1.5 metres;
 - c) exceeds 1.22 metres in sign height; or
 - d) exceeds 2.44 metres in sign width.

- 16.2 Notwithstanding subsection 16(1)(a), but subject to all other regulations of this by-law, if the visibility triangle from a driveway is intersected by a sidewalk, an election sign may be displayed on the boulevard side of the sidewalk provided that it shall be situated no closer than 3.0 metres from the driveway.

Private Property

17. No person shall display an election sign on private property,
- (a) where it obstructs or interferes with a door or fire escape of a building; or
 - (b) without the consent of the owner or occupant of such property.
- 17.1 Notwithstanding clause 17(b), a lease or tenant of property may display an election sign as such conditions to reasonable size or type a landlord, building manager, condominium corporation deems appropriate.

Public Property

18. Except where explicitly permitted in this By-law, no person shall display an election sign on any public property.
19. Election signs may be displayed on a Regional Road in compliance with the Region of Durham Sign By-law, on a highway under the Municipality's jurisdiction in accordance with section 10, or entirely on private property.
20. Municipal election signs may only be displayed within the candidate's Ward boundary.
21. Provincial and/or federal election signs may only be displayed within the candidate's riding boundary.
22. Where a road serves as a boundary between Wards, candidates may only display election signs on private property on the side of the road within their Ward/Riding boundary. On municipal boundary roads, signs may only be placed on private property on the side of the road within the Municipality.
23. Where a Regional Road serves as the boundary between Wards/Ridings, the provisions of the Region of Durham Sign By-law shall prevail.
24. No person shall display an election sign, vehicle election sign or mobile election sign in a location that interferes with a fire hydrant.

Election Campaign Advertisements

- 24.1 No person shall cause an election campaign advertisement to appear which contravenes sections 88.3, 88.4, or 88.5 of the *Municipal Elections Act, 1996*.

Vehicle Election Sign

25. No person shall park or place any vehicle displaying a vehicle election sign within a one block radius of the Municipal Administrative Centre at 40 Temperance Street Bowmanville, on the voting day of a Municipal election.

Timing

26. No person shall display an election sign any earlier than 45 days before the first advance voting opportunity for a municipal election.
27. No person shall display an election sign for a federal or provincial election until the day that the writ of election is issued and the candidate has been confirmed by the Returning Officer as a registered candidate.
28. Despite sections 26 and 27, signs identifying the candidate's campaign offices may be displayed on the offices once the candidate has filed his or her nomination papers and paid all required fees and been registered as a candidate.

Part III – ENFORCEMENT

Deposits Required

29. All election signs shall be removed by the registered candidate or registered third party no later than two days following the voting day of the election for which the signs were displayed.
30. In the case of a Federal, Provincial or municipal election, the registered candidate or registered third party shall submit a deposit in the amount of \$250.00 to the Municipality to cover the cost of removal of illegally placed election signs before any election signs for the registered candidate or registered third party are erected.
31. Any Federal or Provincial election sign displayed prior to the candidate's registration with the Returning Officer and payment of the fee as set out in section 30 above, shall be subject to removal and the candidate shall be subject to the removal fees as set out in Schedule A.
32. Sixty-one days after voting day, the deposit, less any amount deducted to cover the removal of illegally placed signs or signs not removed in accordance with the requirements of the By-law, shall be returned to the candidate.

General

33. Any vehicle found in contravention of section 15 or 27 may be removed at the direction of an Officer, at the owner's expense. Such expenses shall not be deducted from the required deposit as specified in section 30.

Removal of Unlawful Election Signs

34. If an election sign is displayed in violation of this By-law, an Officer may remove the sign without prior notice to the owner or candidate.
35. Where an election sign is found to be in a location which, in the opinion of an Officer, poses an imminent or severe hazard, it may be removed immediately without prior notice.
- 35.1 If an election campaign advertisement is broadcast in violation of sections 88.3, 88.4, or 88.5 of the Act, the Municipal Clerk, or designate, may require the person who contravened or caused or permitted the contravention to discontinue the broadcast.

Cost Recovery

36. Any election signs displayed in violation of this By-law shall be removed by the Municipality and the candidate billed for such costs at a rate of \$10.00 per sign for the first 25 signs only, regardless of the size of the sign.
37. Any sign removals in excess of the first 25 shall be billed to the candidate in accordance with the fees as set out in Schedule A.
38. If the value of signs removed exceeds the amount of the deposit, the candidate shall be billed for the extra sign removals in accordance with the fees as set out in Schedule A.
39. Any election signs which have been removed by the Municipality shall be stored at a Municipal storage site for a period of not less than 30 days during which time the owner may redeem the said sign upon payment of all outstanding fees.
40. Election signs which have been held for more than 60 days after the election may be destroyed and the Municipality shall not be liable to compensate the candidate for the loss.
41. Any outstanding removal costs which remain unpaid more than 60 days after the election, and exceed the deposit amount, shall be billed directly to the candidate.

Penalty

42. Notwithstanding any fees or penalties imposed for the removal of illegally placed signs, 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.

Liability for Damages

43. The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person displaying 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 display of such signs.

PART IV – GENERAL

Conflict

44. In the event of a conflict between this By-law and the provisions of another Municipal by-law regulating signs, including election signs, the provisions of this By-law shall prevail.

Repeal

45. By-law 2010-015 is repealed in its entirety.

Short Title

46. The short title of this By-law shall be the "Election Sign By-law".

Effective Date

47. This By-law shall take effect on the date that it is passed.

Passed this 8th day of February, 2016.

ORIGINAL BY-LAW SIGNED

**Schedule A
Removal Fees**

During the election

Any election sign up to a maximum of 25 signs \$10.00 per sign

Over 25 signs during an election and post-election removal

Signs up to 0.56 m² (6 ft²) \$10.00

Signs over 0.56 m² up to 3 m² (32 ft²) \$20.00

Over 3 m² \$30.00 or actual cost of removal,
whichever is higher