

**The Corporation of The City Of Quinte West
By-Law Number 17- 097**

Being a By-Law To Regulate Election Signs

Whereas Section 11 (3) of the Municipal Act, 2001, as amended, permits municipalities to pass by-laws respecting structures, including fences and signs;

And Whereas it is deemed advisable to have an Election Sign By-Law for the City of Quinte West in order to ensure public safety on its Highways during an election period;

Now Therefore Be It Enacted By the Council For The Corporation Of The City Of Quinte West As Follows:

1. Title

1.1 This by-law may be cited as the "**Election Sign By-law**".

2. Definitions

2.1 "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 are normally present and the public may enter to obtain information about the candidate;

2.2 "Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario), or the Municipal Elections Act, 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 the Municipal Elections Act;

2.3 "City" means the Corporation of the City of Quinte West, or the geographic area thereof, as the context may require.

2.4 "Clerk" means the Municipal Clerk for the City of Quinte West and includes his/her designate;

2.5 "Daylighting Triangle" means a triangular area formed within a corner lot by intersecting street lines or the projections thereof and a straight line connecting them 6.0 metres (19.69 feet) from their point of intersection;

2.6 "Election Sign" means any sign or other advertising device, including, without limitation, posters, placards, bulletins, banners, notices, pictures or any combination thereof:

a) Which advertises or promotes a Candidate in a federal, provincial or municipal election or by-election including an election of a local board or commissions, or

b) Which uses words, pictures or graphics or any combination thereof intended to influence persons to vote for or against any question or bylaw submitted to electors under the Municipal Elections Act,;

2.7 "Highway" shall have the same meaning as in the Highway Traffic Act, R.S.O. 1990 c.H.8, as amended, shall include a common and public highway, street, roadway, avenue, gate, alley, court, crescent, boulevard, lane, trail, way, chase, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and regardless of whether the travelled portion thereof extends to such property lines;

- 2.8 "Mobile Sign" shall mean any sign that is specifically designed or intended to be readily moved from one location to another or is capable of being moved or towed to different locations with or without wheels, and not permanently anchored to the ground, a structure, foundation or other stationary object and has a face area or areas that can be used for permanent or temporary sign copy. A Mobile sign shall also include any sign mounted on a trailer, a banner sign or an inflatable sign, but shall not include, ground signs, sidewalk signs, sandwich board signs, real estate signs, incidental or such other signs that are defined in this by-law. Mobile signs may also have the capability of being illuminated by artificial light and shall not be considered as Electronic signs;
- 2.9 "Municipal Law Enforcement Officer" means a person appointed by the Council of the City of Quinte West for the purposes of enforcing City by-laws, and for the purpose of this By-law shall include the Quinte West Ontario Provincial Police (O.P.P.).
- 2.10 "Public Property" means property owned by or under the control of the City or any of its agencies, boards or commissions, including highways, boulevards and road allowances.

3. General

- 3.1 No person shall erect, attach, place or display an Election Sign in the City, except as permitted by this By-law.
- 3.2 No permits are required by the City for the erection of Election Signs in the City.
- 3.3 This By-law shall not apply to signs erected, placed or displayed by the City to provide information concerning the election or any part of an election process.
- 3.4 Election Signs shall not:
- a) Have flashing lights or rotating parts;
 - b) Illuminate;
 - c) Simulate any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
 - d) Use words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
 - e) Be affixed to a light standard using nails, screws, tacks, staples, glue, tape or wire;
 - f) Be painted on, attached to, or supported by a tree, stone or other natural object;
 - g) Be erected or placed so as to obstruct, impede or interfere with any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust, or any means of access by fire fighters to any part of a building or a fire hydrant.
 - h) Be erected or placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a Highway, or
 - i) Display the City's logo, crest, or seal in whole or in part.
- 3.5 Mobile Signs are not permitted to be used as Election Signs.
- 3.6 No person shall deface or willfully cause damage to a lawfully erected Election Sign.

3.7 No person shall at any time on any 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 voting place within 45.72 meters (150 feet) of any voting place, including the parking lot and road allowance in front of any voting place; or
- b) Place or cause to be placed in or on a vehicle that is parked on any premises used as a voting place for elections an Election Sign that is visible from outside the vehicle.

4. Election Signs on Public Property

4.1 Election Signs are permitted on Highways but not on or within any Public Property other than Highways.

4.2 Election Signs shall not be located, erected or displayed:

- a) On any centre median, centre boulevard Daylighting Triangle, or traffic island;
- b) In any park or other open space owned, operated or in the control of the City or on the adjacent Highway;
- c) On any building or structure owned, operated or in the control of the the City, or on the adjacent Highway;
- 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; or
- e) On a sidewalk.

4.3 Election Signs may be erected or displayed on Highways, provided that they are:

- a) An Election Sign shall not exceed 1 square metre in area;
- b) Not located within 10 metres (32.81feet) of any intersection;
- c) Located at a minimum of 1 metre (3.28 feet) from the outer edge of a sidewalk;
- d) Located a minimum of 1 metre (3.28 feet) from the outer edge of a curb or shoulder, where there is no sidewalk;
- e) Not erected or installed so as to create an unsafe obstruction or visual impairment for pedestrian or vehicular traffic;
- f) Not erected or installed on any utility box, planter, bench, railing, retaining wall, bridge, overpass, light standard, waste receptacle, newspaper box, mail box, or similar object or structure which has been placed on any Highway; or
- g) Not erected or installed on any post, pole or support already containing an official or authorized sign erected by the City;
- h) No Election Sign shall be erected outside of the jurisdiction of the position for which a candidate is running.

4.4 Election Signs may only be placed on a Highway adjacent to a residential property with the consent of the owner or occupant of the adjacent residential property.

5. Election Signs on Private Property

5.1 Election Signs are permitted on private property:

- a) Only with the consent of the owner or occupant of the property;
- b) Provided that the Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and

- c) Provided that the Election Sign is not placed in or on a truck, trailer or vehicle that is parked on private property in a manner consistent with the use of the vehicle as a sign.

6. Timing

- 6.1 Election Signs relating to a Municipal Election shall not be erected or displayed prior to Nomination Day.
- 6.2 Despite Sections 6.1, Election Signs may be erected on campaign offices once the Candidate has filed his or her nomination papers
- 6.3 All Election Signs shall be removed no later than three (3) working days following the voting day of the election for which such Election Signs were erected or installed. For the purposes of this subsection, the Candidate shall be responsible for the removal of his or her Election Signs within the prescribed timeframe.

7. Removal of Unlawful Election Signs

- 7.1 Where an Election Sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, City of Quinte West Municipal Law Enforcement Officers or any other individual designated by the City Clerk may cause the sign to be removed immediately without notice and/or take any further action as provided within this By-Law.
- 7.2 Any sign that has been removed, in accordance with Section 7.1, shall be stored by the City for a minimum of 5 business days, after which time such signs may be disposed of and the cost of disposal may be passed onto the candidate.

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, as amended.

9. Liability for Damages

- 9.1 Nothing in this By-Law shall be construed as relieving or limiting the responsibility or liability of any Candidate or other person who erects or owns any Election Signs for personal injury or property damage resulting from the placing of such Election Signs, or for the negligence or willful act or omission of such person, his or her agents or employees, or those for whom he or she is in law responsible, relating to the construction, erection, maintenance, repair or removal of such Election Signs.

10. Precedence over Election Sign Provision in other By-laws

- 10.1 In the event of a conflict between this By-Law and any other City By-Law regulating signs, including Election Signs, the provisions of this By-Law shall prevail.

11. Severability

11.1 In the event any court of competent jurisdiction should adjudge that any section or sections of this By-law is/are not valid for any cause, such section or sections shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforced to the same extent as if the offending section or sections had not been included therein.

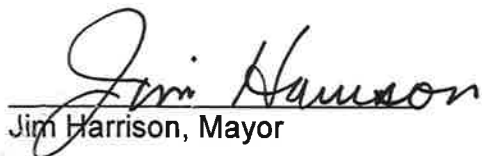
12. Repeal of Previous By-law

12.1 By-law 13-132 is hereby repealed.

13. Effect

13.1 This By-law shall come into force and effect immediately upon final passing.

Read a First, Second and Third Time and Finally Passed This 11th Day of September, 2017.


Jim Harrison, Mayor


Kevin Heath, City Clerk