

# THE CORPORATION OF THE TOWN OF MILTON



## BY-LAW NO. 011-2018

BEING A BY-LAW TO MANAGE AND REGULATE ELECTION SIGNS IN THE TOWN OF MILTON AND TO REPEAL BY-LAW 011-2013

**WHEREAS** the Municipal Act, 2001, as amended, section 11 authorizes The Corporation of the Town of Milton to pass by-laws respecting highways over which it has jurisdiction, and to pass by-laws respecting signs;

**AND WHEREAS** the Municipal Act, 2001, as amended, section 63 authorizes The Corporation of the Town of Milton, 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** the Municipal Act, 2001, as amended, section 425 establishes that any person who contravenes any by-law of The Corporation of the Town of Milton is guilty of an offence;

**NOW THEREFORE**, the Council of The Corporation of the Town of Milton enacts as follows:

### 1. SHORT TITLE OF BY-LAW

- 1.1 This By-law may be referred to as the "Election Sign By-law".

### 2. DEFINITIONS

- (a) **Billboard sign** means any billboard legally established under the Town of Milton Sign By-Law;
- (b) **Boulevard** means that portion of every highway or street which is not used as a sidewalk, driveway access, or travelled roadway or shoulder;
- (c) **Campaign office** means a building or structure, or part thereof, used by a candidate to conduct an election campaign;
- (d) **Candidate** means a person who has been nominated under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
- (e) **Corner daylight triangle** means a triangular area formed by the intersection of the lateral property lines abutting roadways and a straight line connecting them 3 meters from their point of intersection;

- (f) **Detached dwelling** has the same definition as contained in the Town of Milton Zoning By-Law;
- (g) **Driveway daylight triangle** means a triangular area formed by the intersection of the lateral limit of the driveway and the nearest lateral property line and a straight line connecting them 1 meter from their point of intersection;
- (h) **Election sign** means any sign promoting, opposing or taking a position with respect to:
  - (i) Any candidate or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
  - (ii) An issue associated with a person or political party in an election under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*;
  - (iii) A question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act (Ontario)*, or the *Municipal Elections Act, 1996*.
- (i) **Highway** includes a common and public highway, street, avenue parkway, driveway, square, place and includes any bridge, trestle, viaduct or other structure forming part of the highway and includes the boulevards and any area between the lateral property lines of the highway;
- (j) **Intersection pedestrian signal** means traffic control signals or a stop sign;
- (k) **Owner** means the person who places or permits the placing of an election sign or any person described on the sign, whose name, address or telephone number is on the sign or who benefits from the message on the sign and for the purposes of this By-law there may be more than one owner of an election sign;
- (l) **Municipal Law Enforcement Officer** means a person appointed as such, and shall include an officer of the Halton Regional Police Services;
- (m) **Park** for the purposes of this By-law shall include any land or premises under the control or ownership of the Town for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities and improvements located in or on such land;

- (n) **Person** means an individual, corporation, or association, and includes a registered third party;
- (o) **Place** means attach, install, erect, build, construct, reconstruct, move, display, or affix in any manner;
- (p) **Private property** means real property that is not a highway or public property;
- (q) **Public property** means real property owned or under the control of the Town of Milton, Region of Halton, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of this By-law, does not include a highway, and does not include a property where one or more persons reside on the public property;
- (r) **Registered third party** means an individual, corporation or trade union which has filed a notice of registration as required pursuant to s.88 of the *Municipal Elections Act*;
- (s) **Roadway** means that part of a highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders and curbs and gutters;
- (t) **School crossing** means any portion of a roadway designated by a Town by-law, indicated as a school zone by signs on the highway as prescribed by the *Highway Traffic Act*, and Ontario Regulations thereunder, as amended;
- (u) **Semi-detached dwelling** has the same definition as contained in the Town of Milton Zoning By-Law;
- (v) **Sidewalk** means that part of a highway with a surface that is improved, designed or ordinarily used for pedestrians or bicycles and includes a multi-use path;
- (w) **Sign** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to create a design or convey a message and includes posters, billboards, advertising devices or notices;
- (x) **Sign area** means the area of one side of a sign where copy can be placed;
- (y) **Sign height** means the vertical height of a sign from the finished grade to the highest part of the sign;

- (z) **Town** means The Corporation of the Town of Milton;
- (aa) **Town Clerk** means Town Clerk for the Town of Milton, or his or her designate;
- (bb) **Voting place** means a place where electors cast their ballots and:
  - (i) When a voting place is located on public property, includes all of the area enclosed by the lot lines of the public property and any highway abutting, and
  - (ii) When a voting place is located on private property, includes all of the common elements of the private property and any highway immediately abutting.
- (cc) **Voting day** means voting day as defined by the *Municipal Elections Act, 1996* and polling day as defined by the *Federal Elections Act* or the *Elections Act (Ontario)*

### **3. GENERAL PROHIBITIONS**

- 3.1 No person shall place or permit to be placed an election sign except in accordance with this By-law.
- 3.2 No candidate or registered third party shall place or permit to be placed an election sign without first posting a fee with the Town Clerk, pursuant to Town of Milton Rates, Fees and Charges By-law as may be amended from time to time.
  - 3.2.1 For election candidates, provided all of the candidate's election signs have been removed as required by this By-law following the election, and provided the candidate is not subject to any election sign prosecution for contravention of this By-law, the candidate may obtain a refund of the election sign fee.

#### **MAXIMUM SIZE AND HEIGHT**

- 3.3 With the exception of a billboard sign and an election sign on vehicles, no person shall place or permit to be placed an election sign that:
  - (a) is illuminated;
  - (b) has a sign area greater than 3 square meters (32 square feet);
  - (c) has a sign height greater than 2.13 meters (7 feet);

- (d) interferes with the safe operation of vehicular traffic or the safety of pedestrians; or
- (e) impedes or obstructs the Town's maintenance operations.

#### **4. SIGNS ON PRIVATE PROPERTY NOT TO OBSTRUCT EXITS, ACCESS**

- 4.1 No person shall place or permit to be placed an election sign which obstructs or impedes any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust in a manner that may impede or prevent the free access of emergency personnel to any part of a building including emergency water connections and fire hydrants.
- 4.2 No person shall permit an election sign be located where it will interfere with the safe movement of any vehicle or pedestrian traffic or where it is a general hazard to public safety.

#### **5. SIGNS IN GOOD REPAIR AND SAFE LOCATION**

- 5.1 No person shall permit an election sign to be left in a state of disrepair.

#### **6. TIMING**

- 6.1 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.
- 6.2 No person shall place or permit to be placed an election sign for a municipal election more than 45 days prior to voting day, except an election sign which is placed on a campaign office.
- 6.3 Election signs may be erected on campaign offices once the candidate has filed his or her nomination with the Town Clerk.
- 6.4 No owner shall fail to remove his/her election sign within 72 hours (3 days) immediately following 11:59 p.m. of the day of the election.

#### **7. ELECTION SIGNS ON PUBLIC PROPERTY AND HIGHWAYS**

- 7.1 No person shall place or permit to be placed an election sign on public property or in a park.
- 7.2 No person shall place or permit to be placed an election sign that:
  - (a) is on a roadway;

- (b) impedes or obstructs the passage of pedestrians on a sidewalk;
- (c) is less than 10 metres from a roadway on a highway where pedestrians are prohibited;
- (d) is on a median or island located within the roadway;
- (e) is within a corner daylight triangle;
- (f) is within a driveway daylight triangle;
- (g) is less than 3 meters from a school crossing;
- (h) is on a trailer;
- (i) is on a utility pole, tree, fence or gate located on public property;
- (j) within any urban area, is within 10 meters of any other election sign of the same candidate; or
- (k) outside the urban area, is within 50 meters of any other election sign of the same candidate.

7.3 No person shall place or permit to be placed an election sign on a boulevard adjacent to a detached or semi-detached dwelling except where an occupant of the dwelling has agreed to the location and the location is otherwise in compliance with this By-law.

7.4 No person shall place or permit to be placed an election sign on a highway structure, except a highway structure designed by the Town for posters.

7.5 No person shall damage or foul a highway or any public structure when placing an election sign.

#### NO SIGNS AT VOTING PLACE, ON PARKED VEHICLES, OR OUTSIDE CANDIDATE'S WARD

7.6 No person shall place or permit to be placed at a voting place an election sign on any day when electors are voting.

7.7 No person shall place on or affix to, or permit to be placed on or affixed to a motor vehicle, an election sign, where the motor vehicle is parked at a voting place on any day when electors are voting.

- 7.8 No person shall place on or affix to, or permit to be placed on or affixed to a motor vehicle, an election sign, where the motor vehicle does not have a valid Ontario license plate affixed to it.
- 7.9 No person shall place or permit to be placed an election sign outside of the ward where that candidate is running for office, except if it is a sign erected at the candidate's campaign office.

#### NO USE OF TOWN LOGO

- 7.10 No person shall display the Town's logo or the Town's municipal election logo, in whole or in part, on any election sign.

### **8. REMOVAL AND DESTRUCTION OF ELECTION SIGNS**

- 8.1 The Town Clerk or a Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.
- 8.2 The Town may recover the expense for the removal of an election sign under this By-law from the Owner of such sign, and may commence proceedings against the Owner to recover such costs.
- 8.3 Election signs removed in accordance with this By-law may be destroyed or otherwise disposed of by the Town without notice and without compensation to any party.

#### CANDIDATE RESPONSIBLE FOR ELECTION SIGNS OF CANDIDATE

- 8.4 The registered third party, or the candidate, as the case may be, to whom an election sign relates shall be responsible for the erection and display of the election sign and shall ensure that all the requirements of this by-law are met.

### **9. ADMINISTRATION**

- 9.1 The administration of this By-law is delegated to the Town Clerk.

### **10. ENFORCEMENT**

- 10.1 This by-law may be enforced by a Municipal Law Enforcement Officer.
- 10.2 Any provision of this By-law found to be ultra vires shall be deemed to be severable and the balance of the By-law deemed to continue in full force and effect.

**11. OFFENCE AND PENALTY**

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

**12. FORCE AND EFFECT**

- 12.1 By-law 011-2013, being an Election Sign By-law and all amendments to such by-law, are hereby repealed.

- 12.2 This by-law shall come into force and effect on the day it is passed.

**PASSED IN OPEN COUNCIL ON FEBRUARY 12, 2018.**

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Gordon A. Krantz Mayor

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Troy McHarg Town Clerk