

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 3114-2022

BEING A BY-LAW TO MANAGE AND REGULATE ELECTION SIGNS AND OTHER ELECTION ADVERTISING DEVICES WITHIN THE TOWNSHIP OF BROCK

WHEREAS subsection 11(3), paragraph 1 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of Brock to pass by-laws respecting highways over which it has jurisdiction; and,

WHEREAS subsection 11(3), paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of Brock to pass by-laws respecting signs; and,

WHEREAS subsection 63(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes The Corporation of the Township of Brock, 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 section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended establishes that any person who contravenes any by-law of The Corporation of the Township of Brock is guilty of an offence;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BROCK HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. Short Title of By-Law 1.1 This By-law may be referred to as the “Election Sign By-law”.

1. Short Title of By-Law

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

2. Definitions

“Billboard Sign” means an outdoor Sign maintained by a Person engaged in the sale or rental of space on the Sign to a client, advertising a business, activity, goods, products, services or facilities that are offered at a location different from that where the sign is located.

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or Registered Third Party.

“Canada Elections Act” means the federal statute cited as the Canada Elections Act, S.C. 2000, c.9, as amended.

“Candidate” means a person who has been nominated under the Canada Elections Act, the Election Act, or the Municipal Elections Act.

“Council” means the Council of the Corporation of the Township of Brock.

“Election Act” means the Ontario provincial statute cited as the Election Act, R.S.O. 1990, c.E.6, as amended.

“Election Sign” means any Sign promoting, opposing or taking a position with respect to:

- (a) A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act;
- (b) A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act or the Municipal Elections Act;
- (c) An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act; or
- (d) Signs placed by a Registered Third Party.

“Enforcement Officer” means a person appointed by Council as a municipal law enforcement officer and shall also include an officer of the Durham Regional Police Service.

“Fascia Sign” means a sign applied to or erected on and entirely supported by the wall of a building or structure.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, sidewalk, and includes any bridge, trestle, viaduct or other structure

forming part of the highway and includes the boulevard strip between a sidewalk and the curb and any area between the lateral property lines of the highway.

“Intersection Signal” means traffic control signals and/or a stop sign.

“MTO Roadways” means the Roadways under the jurisdiction and control of the Ministry of Transportation of Ontario. In the geographical area known as the Township of Brock, MTO Roadways shall include Highway 7, Highway 12 and Highway 48.

“Municipal or Municipality” means the geographic area located within the Regional Municipality of Durham known as the Township of Brock.

“Municipal Clerk” means the Municipal Clerk/Returning Officer for the Township or his or her designate.

“Municipal Elections Act” means the Ontario provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

“Park” means any land or premises under the control and/or ownership of the Township 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.

“Person” means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, or Trade Union.

“Place” means to: attach, install, erect, build, construct, reconstruct, move, display or affix. “Places”, “Placing” and “Placed” shall have the same meaning.

“Private Property” means real property that is not a Highway or Public Property.

“Public Property” means real property owned, leased, or under the control of the Township, Region of Durham, Provincial Government, Federal Government or any of their respective agencies, boards or commissions, but does not include a Highway. For the purpose of the this By-law, Public Property also includes public utility poles, regardless of whether the poles are owned by or under the control of the Township and shall also be deemed to include bus shelters, municipal garbage containers or other structures, located on a Highway regardless of whether the shelters, containers or structures are owned by the Township.

“Region” or “Regional” means the Regional Municipality of Durham.

“Registered Third Party” means any Person whose notice of registration has been certified with the Municipal Clerk pursuant to section 88.6 of the Municipal Elections Act.

“Roadway” means that part of a Highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs and gutters.

“School Crossing” means any portion of a Highway designated by by-law of the Township, indicated as a school zone by signs on the Highway as prescribed by the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended from time to time.

“Sidewalk” means that part of a Highway with a surface that is improved, designed or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path or trail.

“Sight Triangle” means in the case of a corner lot, the triangular space formed by the intersecting street lines and a line drawn from a point in one street line to a point in the other street line, measured 5 metres (16.485 feet) along the street from the point of intersection of the street lines, as depicted in Diagram 1 in Schedule ‘A’.

“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.

“Trade Union” means a Trade Union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a Central, Regional or District Labour Council in Ontario.

"Vehicle" includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

"Voting Day" means the day on which the final vote is to be taken in an election.

"Voter Assistance Centre" means any building or part thereof where the Township is providing assistance or support to electors in order to cast a ballot designated in accordance with the Municipal Elections Act, Election Act, or Canada Elections Act where electors cast their ballots and:

- (a) When a Voting Assistant Centre is located on Public Property, it includes all of the area enclosed by the lot lines of the property and any Highway that abuts the property; and,
- (b) When a Voting Assistant Centre is located on Private Property, it includes all of the area enclosed by the lot lines of the property, all common elements, and any Highway that abuts the property.

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 Person shall pull down, move, remove, alter, deface or willfully cause damage to a lawfully erected Election Sign except:
 - i) The Candidate to whom the Sign relates; or
 - ii) The owner or occupant of the property upon which the Sign is erected; or
 - iii) The Registered Third Party to whom the Sign relates; or
 - iv) The Municipal Clerk; or
 - v) An Enforcement Officer.
- 3.3 No Person shall Place or permit to be Placed an Election Sign that:
 - (a) Is illuminated, has flashing lights, or rotating parts;
 - (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
 - (c) Impedes or obstructs the Township's maintenance operations;
 - (d) Is on a Roadway;
 - (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - (f) Is on a median or island located within the Roadway or a roundabout;
 - (g) Is within a Sight Triangle;
 - (h) Is less than 3 metres (9.8 feet) from a School Crossing;
 - (i) Is located a minimum of 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a Roadway, (save and except MTO Roadways);
 - (j) Simulates any traffic Sign, traffic signal, any other Sign that directs the movement of traffic, or any official Sign;
 - (k) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic;
 - (l) Is affixed to Public Property, any Canada Post Mailbox or public utility poles, including but not limited to, telephone poles, hydro poles, light standards or any other utility infrastructure;

- (m) Is in a state of disrepair or is located where it is a general hazard to public safety
 - (n) Is Placed on, painted on, attached to, or supported by a tree, stone or other natural object;
 - (o) Is Placed so as to impede, hinder or prevent parking by vehicles on Private Property, Public Property, or on a Highway; or,
 - (p) Is Placed on a boundary fence line or noise attenuation wall which is located on Public Property.
- 3.4 No Person shall Place or permit to be Placed an Election Sign on or in a Voting Assistant Centre or that part of a Highway that abuts a Voting Assistant Centre, as depicted in Diagram 2 in Schedule 'A'.
- 3.5 No Person shall Place or permit to be Placed an Election Sign, which is visible, in or on a Vehicle (including vehicle wraps) that is parked or stopped on the property of any premise used as a Voting Assistant Centre, or that part of a Highway that abuts a Voting Assistant Centre, on any Voting Day, including during the advanced voting days.
- 3.6 No Election Sign shall display, a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the Township.

4. Election Signs – Timing, Standards & Size

- 4.1 No Person shall Place or permit to be Placed an Election Sign for a municipal election until after the Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk, and in any event no earlier than 36 calendar days prior to Voting Day in the year of a regular election or by-election.
- 4.2 No Person shall Place or permit to be Placed an Election Sign for a federal or provincial election or by-election until the day after the writ for the election or by-election is issued.
- 4.3 Despite subsections 4.1 and 4.2, an Election Sign which is a Fascia Sign may be placed on the face of the building used as a Campaign Office provided that the Candidate has filed his or her nomination with the Municipal Clerk, or in the case of a Registered Third Party, registered with the Municipal Clerk.
- 4.4 Election Signs Placed or permitted to be Placed by a Registered Third Party in a municipal election shall include the following information required by the Municipal Elections Act:
- (a) The name of the Registered Third Party;
 - (b) The municipality where the Registered Third Party is registered; and,
 - (c) A telephone number, mailing address, or email address to contact the Registered Third Party.
- 4.5 Election Signs Placed or permitted to be Placed by a Registered Third Party in a federal or provincial election shall include any information required by the Canada Elections Act or, the Election Act, whichever is applicable.
- 4.6 Candidates and Registered Third Party's shall remove their Election Signs within 72 hours after midnight on Voting Day.
- 4.7 With the exception of a Billboard Sign and Fascia Sign, an Election Sign shall have a maximum:
- (a) Sign Area of 1.49 square metres (16 square feet);
 - (b) Height of 1.22 metres (4 feet); and,
 - (c) Width of 1.22 metres (4 feet)

5. Private Property

5.1 Subject to the provisions set out in this by-law, Election Signs are permitted on Private Property, provided that:

- (a) Consent is given by the property owner, tenant, or occupant of the property.
- (b) The number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party, unless the property abuts two (2) or more streets, in which case the number of Election Signs on the property is limited to one (1) Election Sign per Candidate or per Registered Third Party multiplied by the number of abutting streets.
- (c) The Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians; and,
- (d) No Election Sign is Placed so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of a building including, but not limited to: emergency water connections, or fire hydrants.

6. Regional and Municipal Roadways & Intersections

6.1 Subject to the provisions set out in this by-law, Election Signs are permitted on Regional and Municipal Roadways, provided that:

- (a) The number of Election Signs at Regional and Municipal intersections are limited to no more than two Election Signs for each Candidate or Registered Third Party, per intersection, with a maximum of one Election Sign per intersection corner.
- (b) The Election Sign does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians.

7. MTO Roadways

7.1 Subject to the provisions set out in this by-law, Election Signs are permitted on MTO Roadways and **shall** conform to the [Ministry of Transportation of Ontario's Highway Corridor Management Manual](#), in particular Section 5.5.10 which states the following:

- (a) An Election Sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.
- (b) Election Signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.
- (c) Signs up to 0.7 m² (8 sq. ft.) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m² (8 sq. ft.) and up to 3.7 m² (40 sq. ft.) must be placed at the outer limit of the highway right-of-way.
- (d) Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway but must be placed at least 4m (12 ft.) from edge of pavement.
- (e) An election sign must not be affixed to a permanent or an official sign, or to the guide rail or other highway structure or facility. It must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.
- (f) Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized, providing they are erected on private property, and meet the requirements of the Ministry for portable read-o-graph signing

7.2 Subject to [MTO classifications](#) - Brock Township Highway Classifications are as follows:

- (a) Highway 7 Class 4 - Major Highway

- (b) Highway 12 Class 3 - Special Controlled Highway
(Northern municipal boundary to Highway 7); and
Class 4 - Major Highway
(Highway 7 to the southern municipal boundary)
- (c) Highway 48 Class 3 - Special Controlled Highway
(Highway 12 intersection to northern municipal boundary); and
Class 4 - Major Highway
(Western municipal boundary to Highway 12 intersection)

7.3 Enforcement of Election Signs on MTO Roadways will be under the authority and jurisdiction of MTO or their delegates.

8. Offences and Penalties

- 8.1 This By-law may be enforced by an Enforcement Officer or by any other person appointed by the Township for the purpose of enforcing this By-law save and except MTO Roadways.
- 8.2 Any Sign removed in contravention of this By-law will be held until after Election Day for a period of 30 days, after which the signs will be disposed of by the Township without notice and without compensation to any Person.
- 8.3 Any Candidate or Registered Third Party Sign removed in contravention of this By-law will be notified in order to make arrangement to pick up the Signs and will be subject to pay \$20.00 per sign.
- 8.4 The Township may recover any expense incurred pursuant to Section 8.3 by adding the expense to the tax roll and collecting it in the same manner as taxes, or subject to any collection payable processes.
- 8.5 Any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

9. Liability for Damages

- 9.1 No provision of this By-law shall be construed as relieving or limiting the responsibility or liability of any Person Placing or owning any Election Sign from personal injury or property damage resulting from the Placing of such Election 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 such Election Signs.

10. Administration

- 10.1 The Municipal Clerk is responsible for the administration of this By-law.

11. Force and Effect

- 11.1 This By-law shall come into force and effect on the date it is enacted by the Council of the Corporation of the Township of Brock.
- 11.2 That By-law 2781-2018-AP is hereby repealed in its entirety.

ENACTED AND PASSED THIS 25th DAY OF APRIL 2022.

Mayor
John Grant

Clerk/Deputy CAO
Fernando Lamanna