

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW NO. 2024-111

Being a By-law to regulate election signs in municipal,
provincial and federal elections in the Town of Gravenhurst

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the *Municipal Act* provides that a municipality may pass By-laws respecting structures including fences and signs;

AND WHEREAS Section 99 of the *Municipal Act* provides rules that apply to a By-law of the municipality respecting advertising devices, including signs;

AND WHEREAS pursuant to Section 425 of the *Municipal Act*, a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the *Municipal Act*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-law passed under this Act;

AND WHEREAS Section 429 (1) of the *Municipal Act, 2001*, c. 25 as amended states a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act, unless, under Section 429(4), if the provisions of any other Act, other than the Provincial Offences Act, provide for the fines for a contravention of a By-law of a municipality, the municipality cannot establish a system of fines under this section with respect to the By-law;

AND WHEREAS Section 429 of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS Section 434.1 (1) of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS pursuant to Section 436 of the *Municipal Act*, a By-Law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law;

AND WHEREAS Section 88.3(2) of the *Municipal Elections Act, 1996*, states that an election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate;

AND WHEREAS Section 88.7 of the *Municipal Elections Act, 1996*, states that if a municipality is satisfied that there has been a contravention of section 88.3, 88.4 or 88.5, of the same, the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising;

AND WHEREAS Section 37 (2) of the *Election Finances Act, 1990* states that no party, constituency association, third party or candidate registered under this Act, and no person, corporation or trade union, whether acting with or without the party's, association's, third party's or candidate's consent, shall arrange for or consent to political advertising that appears during a blackout period;

AND WHEREAS Section 320 of the *Canada Elections Act, 2000* requires that a candidate or registered party, or a person acting on their behalf, who causes election advertising to be conducted shall mention in or on the message that its transmission was authorized by the official agent of the candidate or by the registered agent of the party, as the case may be;

AND WHEREAS Section 323 (1) of the *Canada Elections Act, 2000* states that no person shall transmit election advertising to the public in an electoral district on polling day before the close of all of the polling stations in the electoral district;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1. That in the By-law:

- 1.1. **Agent** means any person who is directly or indirectly working on behalf of a Candidate or Registered Third Party regardless of whether the work is being done on a voluntary or compensated basis or with the direct knowledge or approval of the Candidate.
- 1.2. **Candidate** means a person who has been nominated or registered in a municipal (including district school board as defined in the *Education Act, R.S.O. 1990*), provincial or federal election in accordance with the Prescribed Legislation.
- 1.3. **Clerk** means the Clerk (or their designate) of The Corporation of the Town of Gravenhurst
- 1.4. **District** means the District Municipality of Muskoka.
- 1.5. **Election Sign** means any temporary notice, device or sign, that:
 - 1.5.1. Promotes, supports, opposes or takes a position on a Candidate or political party in a federal, provincial or municipal election (including a district school board as defined in the *Education Act, R.S.O. 1990*);
 - 1.5.2. Promotes, supports, opposes or takes a position on any question, law or by-law submitted to the electors under Prescribed Legislation.

- 1.6. **Highway** includes a common and public highway, roadway, street, avenue, boulevard, parkway, driveway, square, place, bridge, centre median, traffic island, roundabout, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof but does not include a provincial highway or any highway that is not under the jurisdiction or ownership of the Town.
- 1.7. **Officer** means a Municipal Law Enforcement Officer or other person appointed by Town Council to enforce this by-law.
- 1.8. **Official Sign** means a sign or device placed by the Town, District or other authority under legislation for the purpose of regulating, warning or controlling traffic and includes signs approved by the Ministry of Transportation and signs described in the Highway Traffic Act.
- 1.9. **Prescribed Legislation** means the *Municipal Elections Act, 1996, S.O. 1996*, the *Election Act, R.S.O. 1990*, the *Canada Elections Act, S.C. 2000*, or such other relevant legislation that regulates Elections or Election Signs.
- 1.10. **Private Property** means lands which are not defined as Public Property or a Public Utility Facility.
- 1.11. **Public Property** means property owned, leased, operated by or under the control or jurisdiction of the Town or any of its agencies, boards or commissions, and shall be deemed to include Highways, Public Utility Facilities, and shall also include municipal transit, transit shelters, benches, municipal garbage containers or any other containers or structures regardless of whether they are owned by the Town.
- 1.12. **Public Utility Facility** means a pole, transformer box, service container, equipment or other such structure owned or controlled by an entity that provides a public utility service.
- 1.13. **Registered Third Party** means an individual, corporation or trade union that is registered as such in accordance with Prescribed Legislation.
- 1.14. **Restricted Period** means the period during which an Election Sign used as a Third Party Advertisement is permitted as outlined under Prescribed Legislation.
- 1.15. **Sight Triangle** means the triangular space formed by the Street Lines and a line drawn from a point in one Street Line to a point in the other Street Line, each such point being 7.5 metres, measured along the Street Line from the point of intersection of the Street Lines. Where the two Street Lines do not intersect at a point, the point of intersection of the Street Lines shall be deemed to be the intersection of the projection of the Street Lines or the intersection of the tangents to the Street Lines.

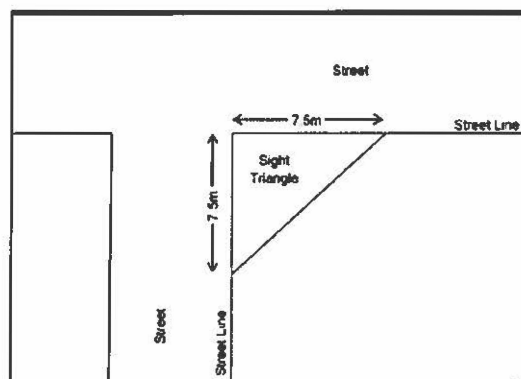


Image 1: Sight Triangle diagram

- 1.16. **Sign Face** means the surface of the Election Sign upon, against or through which the message of the Election Sign is exhibited but does not include the Election Sign structure.
- 1.17. **Street Line** means the limit of a Highway as the dividing line between a lot and a Highway.
- 1.18. **Third Party Advertisement** means a Third Party Sign.
- 1.19. **Third Party Sign** means an Election Sign not installed or erected directly or indirectly by a Candidate.
- 1.20. **Town** means The Corporation of the Town of Gravenhurst and its geographic limits.
- 1.21. **Voting Place** means the entire property and all the boundaries associated with it, when such Voting Place is located within public premises and shall mean all of the common elements when the Voting Place is located on private premises and includes offices established by election officials of the federal, provincial or municipal government to conduct an Election or provide assistance to electors.

2. SHORT TITLE

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

3. GENERAL PROVISIONS

- 3.1. No Candidate, Registered Third Party or their Agent or any other person shall affix, install or otherwise display an Election Sign/Third Party Advertisement or permit the same to be affixed, installed or otherwise displayed except as specifically permitted in this by-law or under Prescribed Legislation.
- 3.2. Every Candidate or Registered Third Party to whom the Election Sign belongs shall be responsible for the installation, maintenance or display of the Election Sign and shall ensure that all the requirements of this By-law have been met.
- 3.3. No person shall deface or willfully cause damage to a lawfully installed Election Sign.
- 3.4. **Election Sign Physical Characteristics**

3.4.1. Election Signs shall be maintained in a proper state of repair and remain safe and aesthetically pleasing for the duration of their display.

3.4.2. Election Signs **shall not**:

- 3.4.2.1. Be illuminated, flashing, inflatable, or in any way animated;
- 3.4.2.2. Have a Sign Face area greater than 2.8 square metres (30 square feet);
- 3.4.2.3. Be designed or located in such a way that can be confused with a traffic sign, signal or Official Sign;
- 3.4.2.4. Have more than a maximum of two (2) back-to-back faces with the interior angle of the two Election Sign faces not exceeding 90 degrees.

3.5. Election Sign Content

3.5.1. Election Signs **shall**:

- 3.5.1.1. In the case of a Candidate Election Sign, clearly identify the Candidate that is responsible for the messaging;
- 3.5.1.2. In the case of a Registered Third Party, identify the name of the Registered Third Party, the municipality where the Third Party is registered and a telephone number, mailing address or email address at which the Registered Third Party may be contacted, or as otherwise indicated in the respective Prescribed Legislation.

3.5.2. Election Signs **shall not**:

- 3.5.2.1. Be indecent in any word, picture, symbol or the like;
- 3.5.2.2. Bear a logo, corporate image, trademark or any official mark of the Town.

3.6. Timing for Placing Election Signs

3.6.1. Election Signs **shall not** be placed:

- 3.6.1.1. Prior to the issuance of writs for a provincial or federal election;
- 3.6.1.2. Prior to the last Monday in August in a regular municipal election;
- 3.6.1.3. Prior to the closing of nominations for a municipal by-election;
- 3.6.1.4. Longer than seventy-two (72) hours following the election date.

3.7. Location of Election Signs

3.7.1. Election Signs must adhere to all Prescribed Legislation.

3.7.2. No Election Sign shall obstruct the view or interfere with:

- 3.7.2.1. Pedestrian traffic;
- 3.7.2.2. The driver of a motor vehicle;
- 3.7.2.3. The visibility of any Official Sign or device;
- 3.7.2.4. Another Election Sign; or
- 3.7.2.5. Vehicular traffic movement in a manner that could endanger any person.

- 3.7.3. No Election Sign shall obstruct or impede any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department connections and/or fire hydrants.
- 3.7.4. No Election Sign shall be placed on a vehicle or trailer or any mobile device stopped within 100 metres (328 feet) of a Voting Place.
- 3.7.5. No Election Sign shall be placed or affixed to a roof.
- 3.7.6. No Election Sign shall be placed or affixed on any location where the Election Sign might interfere with underground services.
- 3.7.7. Election Signs shall be placed in accordance with the specified dimensions and setbacks set out below:

Maximum Election Sign Face Area	Minimum Setback from Street Line on Private Property	Maximum Height of Election Sign From Grade	Minimum Setback from Public Property not Including Highways, a Voting Place or School Lot Line	Minimum Setback from Any Other Lot Line
Less than or equal to 1.3 square metres (14 square feet)	1 metre (3.3 feet)	3.7 metres (12 feet)	50 metres (164 feet)	0.6 metres (2 feet)
Greater than 1.3 square metres (14 square feet) to less than 2.8 square metres (30 square feet)	3.0 metres (10 feet)	3.7 metres (12 feet)	Not permitted.	0.6 metres (2 feet)
Greater than 2.8 square metres (30 square feet)	Not permitted.			

3.8. Election Signs on Private Property

- 3.8.1. Election Signs shall not be displayed without having first obtained permission from the property owner.
- 3.8.2. More than two (2) official Election Signs of the same Candidate/Registered Third Party shall not be displayed on one property.
- 3.8.3. No person shall pull down, remove or relocate a lawfully installed Election Sign on Private Property without the consent of the Candidate to whom the Election Sign relates or the owner of the property on which the Election Sign is installed.

3.9. Election Signs on Public Property

3.9.1. Election signs are *not* permitted:

- 3.9.1.1. On or overhanging Public Property;
- 3.9.1.2. On a Public Utility Facility;
- 3.9.1.3. On any Official Sign;
- 3.9.1.4. On any tree, stone or other natural object;
- 3.9.1.5. Within any Sight Triangle.

4. REMOVAL AND IMPOUNDMENT

4.1. Upon receiving notice from the Town, any Candidate or Agent who has caused a Sign to be erected or displayed contrary to the provisions of this By-law, shall:

- 4.1.1. Remove, at the expense of the Candidate or the Agent, said sign within twenty four (24) hours from the time of notice, unless the sign is made to comply with this By-law before such time elapses.

4.2. Where a Sign has not been removed by the Candidate or their Agent, an Officer may cause such Sign to be removed and impounded at the expense of the Candidate or Agent.

4.3. A removed Sign shall be impounded by the Town for a period of not less than thirty (30) days. During this time the Candidate or Agent is entitled to redeem such sign upon making payment satisfactory to the Town in the amounts noted in the Town's Fees By-law, as amended from time to time.

4.4. Where the impounding time of a stored Sign exceeds the thirty (30) day period and the sign has not been redeemed, the Town may then destroy or otherwise dispose of the Sign without notice or compensation to the Candidate of the Sign or his or her agent.

5. ADMINISTRATION AND ENFORCEMENT

5.1. An Officer or any other individual assisting an Officer or designated by the Clerk may, at all reasonable times, enter upon land for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine whether an Election Sign complies with this by-law and an Officer may be accompanied by other Town employees/agents for this purpose.

5.2. Any Election Sign, or part thereof, that has been installed, affixed or otherwise displayed in contravention of any provision of this by-law may be removed immediately without notice by an Officer or any other individual designated by the Clerk.

5.3. The removal of any Election Sign, or part thereof, that has been installed, affixed or otherwise displayed in contravention of any provision of this by-law shall be subject to a removal fee as set out in the Fees and Charges By-law and is to be charged back to the Candidate or Registered Third Party of the Election Sign(s).

5.4. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or any other individual assisting an Officer or any other person designated by the Clerk in exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an Officer or any other individual assisting an Officer or designated by the Clerk upon request. Failure to identify upon request shall be deemed as obstruction.

- 5.5. The Town shall not be liable for any damage to or loss of an Election Sign that was displayed in accordance with this by-law or that was removed by the Town pursuant to the provisions of this by-law.

6. PENALTY

- 6.1. A person is guilty of an offence if the person.
- a) Fails to comply with an order, notice direction or other requirements under this By-law; and/or
 - b) Contravenes any provision of the By-law.
- 6.2. A Director or Officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence.
- 6.3. Any person who knowingly falsely reports a violation of the By-law shall, upon the second and any subsequent false reports, be guilty of an offence.
- 6.4. An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 6.5. Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Administrative Monetary Penalty System By-law.
- 6.6. Any Person who has been found in contravention of this By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.
- 6.7. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 6.8. Every person who is guilty of any offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine, and the Chief Justice of the Ontario Court of Justice shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with this By-law.
- 6.9. The court in which the contravention has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

7. VALIDITY AND SEVERABILITY

- 7.1. Where any provision of this by-law is conflicting with any other by-law of the Town, this by-law shall prevail.

- 7.2. Every provision of this by-law is declared severable from the remainder and if any such provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the by-law.

8. REPEAL

- 8.1. On the date this By-law comes into effect, By-law No. 2017-140 is hereby repealed.

READ AND PASSED this 19th day of November, 2024.

Mayor



Clerk

