

# THE CORPORATION OF THE TOWN OF LAKESHORE

## BY-LAW NUMBER 67-2006

**A By-law respecting election campaign signs on boulevards  
and other municipal property.**

FINALLY PASSED the 13 day of June, 2006.

**WHEREAS** Section 11 of the Municipal Act, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting Structures, including fences and signs;

**AND WHEREAS** Section 99 (3) of the Municipal Act, S.O. 2001, c.25 as amended, provides that the by-law may authorize the municipality to enter land and pull down or remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law;

**AND WHEREAS** the Council of the Corporation of the Town of Lakeshore deems it necessary to establish regulations concerning Federal, Provincial and Municipal campaign signs on highways within the Town of Lakeshore for the safe use of such by the public;

**NOW THEREFORE** the Council of the Corporation of the Town of Lakeshore hereby enacts as follows:

### **1.0 Definitions:**

1.1 Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this section 1.1. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

**"Boulevard"** means all parts of the highway save and except any roadway, shoulder, driveway or sidewalk and

**"Outer Boulevard"** means such portions of the highway lying between any sidewalk and the roadway or the shoulder where such exists;

**"Inner Boulevard"** means such portion of the highway lying between the lateral boundary and the sidewalk and where there is no sidewalk it means that portion of the highway lying between the lateral boundary and the roadway or the shoulder where such exists.

**"Campaign period"** means the period commencing on the day the election writ is issued and ending on the 3<sup>rd</sup> day after voting day for a Federal or Provincial Election and the period commencing 45 days before voting day and ending on the 3<sup>rd</sup> day after voting day for a Municipal Election.

**"Campaign sign"** means a sign or other advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons:

- a) to give or to refrain from giving their votes to a registered candidate and/or a registered Party at an election, or
- b) to vote in favour of or against any question submitted under the Municipal Act or any other law, to a vote of the electors.

**“Candidate”** means a candidate registered in accordance with the applicable legislation governing elections.

**“Council”** means the Council of the Corporation of the Town of Lakeshore.

**“Driveway”** means the improved land on a highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land.

**“Erect”** means to attach, install, hang, place, suspend or affix a sign or letters or to build, construct, reconstruct, alter, enlarge, or relocate a sign and includes changing the surface of a sign.

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, 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, as amended in the Highway Traffic Act.

**“Intersection”** means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other, as amended in the Highway Traffic Act.

**“Island”** means a portion of a highway so constructed as to separate or direct vehicular traffic onto specific portions of the roadway, or provided for the use or protection of pedestrians.

**“Local board”** means a local board as defined in the Municipal Act.

**“Ministry”** means the Ministry of Transportation of Ontario.

**“MTO Highway”** means a highway under the jurisdiction of the Ministry of Transportation of Ontario.

**“Municipality”** means The Corporation of the Town of Lakeshore.

**“Official Sign”** means a sign approved by the Ministry, and includes any sign or other device placed or erected on a highway under the authority of the Parking and Traffic By-Law for the purpose of regulating, warning or guiding traffic.

**“Portable Sign”** means a temporary advertising device and includes any and all signs constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign

**“Private drive”** means the improved land on a highway which provides vehicular access from the roadway to adjacent land.

**“Property”** means a separately assessed property shown on the Municipality’s Assessment Roll.

**“Right of Way”** the strip of land over which is built a public road.

**“Roadway”** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively, as amended in the Highway Traffic Act.

**“Shoulder”** means that part of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved or maintained to support a stopped vehicle.

**“Sidewalk”** means a foot path or any portion of a highway set aside or improved for the use of pedestrians.

**“Street”** means a common and public highway, street, avenue, parkway, square, place, bridge, 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.

**“Traffic”** includes pedestrians, ridden, led or herded animals, vehicles, motorized snow vehicles and other conveyances, either singly or together while using any portion of a highway for the purpose of travel or the movement of goods.

**“Traffic Control Device”** means any official sign, traffic signal or other roadway, curb or sidewalk marking, or any other device erected or placed under the authority of the Parking and Traffic By-law for the purpose of regulating, warning or guiding traffic.

**“Traffic Control Signal”** means any device operated manually, mechanically or electronically for the regulation or control of traffic.

**“Visibility Triangle”** means a triangular area formed within a lot by:

- a) intersecting streets and a straight line connecting them 7.6 metres (25 feet) from their point of intersection; or
- b) the intersection of a street and a driveway within 7.6 metres (25 feet) of a property line and a straight line connecting them 7.6 metres (25 feet) from their point of intersection; or
- c) the intersection of an alley and a street, or two alleys and a straight line connecting them 3.05 Metres (10 feet) from their point of intersection.

2.0 This By-law supersedes By-law Number 78-2001, a by-law to regulate signs and other advertising devices within the Municipality of the Town of Lakeshore, only during a campaign period and only respecting campaign signs on boulevards and other public property.

3.0 Election Campaign Signs shall not:

- a) require a permit;
- b) create an obstruction to vehicle or pedestrian traffic or a hazard to public safety;
- c) be illuminated;
- d) be flashing.

4.0 During a Campaign period, Campaign signs shall only be permitted to be erected:

- a) On an inner boulevard with at least 4 metres (13.12 feet ) clear distance to the edge of the roadway or a private driveway;
- b) On an inner boulevard with the consent of the adjoining owner;

5.0 During a Campaign period, Campaign signs shall not be erected:

- a) On or over a Public Park;
- b) On or over a roadway;
- c) On an island;
- d) Within a Visibility Triangle;
- e) On or over a shoulder.

6.0 During a Campaign period, Campaign signs shall not be erected on or over any property owned or occupied by The Corporation of the Town of Lakeshore at any time.

7.0 During a Campaign period, no person shall place a Portable Sign or cause or permit a Portable Sign to be placed on a highway.

8.0 During a Campaign period, no person shall nail or otherwise attach a Campaign sign, or cause or permit a Campaign sign to be nailed or otherwise attached, to or upon any utility pole, light pole, utility box, traffic control device, tree, bus shelter, planter, bench, waste receptacle, newspaper box, mail box, permanent or official sign or to the guide rail or other highway structure or facility or other asset of municipal infrastructure, or anywhere it may interfere with the continued safe use and operation of infrastructure, traffic and pedestrians;

9.0 During a Campaign period, no person shall place a Campaign sign or cause or permit a Campaign sign to be placed within 46 metres (150 feet) of the nearest limit of a grade Intersection of a MTO highway and another highway or railway.

10.0 Every Campaign sign, campaign sign message and structure must be maintained in a proper state of repair.

11.0 No person shall at any time on any election voting day, including those days when advance election polls are held, place a campaign sign, or cause or permit a campaign sign to be placed on any premises used as a polling place for elections.

## **12.0 Administration and Enforcement**

12.1 The Chief Building Official and any officer appointed by him, as authorized by Council, shall be charged with the enforcement of this by-law.

12.2 (a) Where the Chief Building Official has reasonable and probable grounds to believe that a Campaign sign:

- i) is placed, nailed or otherwise attached contrary to any provision of this by-law; or
- ii) obstructs the visibility of pedestrians, vehicles or traffic control devices and creates a hazard to vehicular traffic or pedestrians
- iii) interferes with the continued safe use and operation of any municipal infrastructure.

the Chief Building Official shall cause the campaign sign to be removed immediately without notice.

(b) Where a Campaign sign has been removed pursuant to this section, the registered candidate is liable to a charge of \$50.00 (fifty dollars) per occurrence.

(c) The Corporation of the Town of Lakeshore is not responsible for the condition of Campaign signs upon removal and/or storage.

(d) A Campaign sign removed pursuant to this By-law shall be stored by the Municipality in a safe place (Public Works Garage) for a period of not less than 14 days, during which time the owner or an agent may retrieve the campaign sign.


(e) When a Campaign sign has been removed by the Municipality and stored for a period of at least 14 days and such sign has not been retrieved, the Campaign sign may be destroyed forthwith or otherwise disposed of by the Municipality without any notice or compensation to the owner thereof.


12.3 It is hereby declared that each and every part of the foregoing provisions of this By-law is severable. If any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions herein shall remain in full force and effect.

13.0 This By-law may be referred to as the "Election Campaign Sign By-Law".

**THIS BY-LAW SHALL COME INTO FULL FORCE AND EFFECT UPON THE FINAL PASSING THEREOF.**

READ A FIRST, SECOND AND THIRD TIME THIS <sup>MM</sup>20<sup>th</sup> DAY OF JUNE, 2006.

  
Robert Croft, Mayor

  
Mary Masse, Clerk

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