

The Corporation of the City of Guelph

By-law Number (2022) - 20704

A By-law to repeal and replace By-law (2022)-20685 Being a By-law to manage and regulate Election Signs in the City of Guelph (to be known as the Election Sign By-law)

Whereas subsection 10 (2) of the Municipal Act authorizes the City to pass by-laws respecting Highways over which it has jurisdiction;

And whereas subsection 10 (2) of the Municipal Act authorizes the City to pass by-laws respecting signs;

And whereas subsection 63 (1) of the Municipal Act authorizes the City, if it passes a by-law for prohibiting or regulating the placing of an object on or near a Highway, to provide for the removal and impounding of such object Placed on or near a Highway in contravention of that by-law;

And whereas section 425 of the Municipal Act authorizes the City to pass by-laws providing that any person who contravenes a by-law of the City is guilty of an offence;

The Council of the Corporation of the City of Guelph enacts as follows:

1. Short title

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

2. Scope

2.1 If any provision of this By-law conflicts with any provision of any other City of Guelph By-law, the provision of this By-law shall take precedence.

3. Definitions

3.1 In this By-law:

- a) "Billboard Sign" means a Sign upon which the space is sold or rented to a person who does not occupy the premises where the Sign is located;
- b) "Boulevard" means that part of a Highway from the edge of the Roadway to the Sidewalk, or if no Sidewalk is present, that part of the Highway from the edge of the Roadway to the a nearest lateral property line of the Highway;
- c) "Campaign Office" means one building or structure, or part of one building or structure, used by a Candidate;
- d) "Canada Elections Act" means the Canada Elections Act, S.C. 2000, c.9, as amended and any successor legislation;

- e) "Candidate" means a person who has been nominated or registered under the Canada Elections Act, the Election Act, or the Municipal Elections Act, 1996;
- f) "City" means The Corporation of the City of Guelph;
- g) "City Clerk" means the City Clerk or his or her designate;
- h) "Election Act" means the Election Act, R.S.O. 1990, c.E.6, as amended and any successor legislation;
- i) "Election Sign" means any Sign promoting, supporting, opposing or taking a position with respect to:
 - i. A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, the Municipal Elections Act, 1996, or any other legislation;
 - ii. 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, 1996; or
 - iii. A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996;
- j) "Election Sign Permit" means a permit issued under this By-law;
- k) "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;
- l) "Highway Traffic Act" means the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations thereunder, as amended from time to time, and any successor legislation;
- m) "Issuer of License" means the Manager of Bylaw Compliance and Security, or any successor position thereto, or their designate;
- n) "Intersection Pedestrian Signal" means traffic control signals and/or a stop Sign;
- o) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended and any successor legislation;
- p) "Municipal Elections Act, 1996" means the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended and any successor legislation;
- q) "Municipal Law Enforcement Officer" means a person employed by the City of Guelph to enforce Municipal By-laws and also includes an officer of the Guelph Police Service and a Bylaw Officer;
- r) "Owner" means the person who Places or permits the placing of an Election Sign or any person described on the Election Sign, whose name, address or telephone number is on the Election Sign or who benefits from the message on the Election Sign and for the purposes of this By-law there may be more than one owner of an Election Sign;

- s) "Park" shall include any land or premises under the control and/or ownership of the City 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;
- t) "Place" means attach, affix, install, erect, build, construct, reconstruct, move or display;
- u) "Private Property" means real property that is not a Highway or Public Property;
- v) "Public Property" means real property owned or under the control of the City of Guelph, 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 or real property where one or more persons reside;
- w) "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;
- x) "School Crossing" means any portion of a Roadway designated by by-law of the City, indicated as a school Zone by Signs on the Highway as prescribed by the Highway Traffic Act;
- y) "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;
- z) "Sign" means any sign, surface or structure and any component or appurtenant parts, 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 a banner, awning, canopy, marquee, menu board, poster and billboard;
- aa) "Sign Area" means the area of one side of a Sign where copy can be placed;
- bb) "Sign Height" means the vertical height of a Sign from the finished grade to the highest part of the Sign;
- cc) "Third Party" means any person or entity, including but not limited to a corporation or trade union, who is not a registered Candidate, political party, or constituency association, who incurs expenses with respect to:
 - i. A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, Municipal Elections Act, 1996 or any other legislation;
 - ii. 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, 1996; or
 - iii. A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996;

- dd) "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; or
 - 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; and
- ee) "Zone" means an area designated for a particular land use or uses as established by the City's zoning By-law, as amended from time to time or any successor by-law.

4. General requirements

- 4.1 No Owner shall place or permit to be placed an Election Sign outdoors within the geographic limits of the City except in accordance with this by-law.
- 4.2 No Owner shall Place or permit to be Placed an Election Sign without an Election Sign Permit in respect of such Election Signs.
- 4.3 Every Owner shall ensure compliance with the By-law.

5. Mandatory physical characteristics of election signs

- 5.1 With the exception of a Billboard Sign and an Election Sign on vehicles, no Owner shall Place or permit to be Placed an Election Sign that:
 - a) Is illuminated;
 - b) Has a Sign Area of more than 0.47 square metres, except 4.5 square metres in Industrial and Commercial Zones;
 - c) Has a Sign Height more than 2.13 metres; or
 - d) Interferes with the safe operation of vehicular traffic or the safety of pedestrians.
- 5.2 No Election Sign shall be in a state of disrepair and every Owner shall ensure that the Owner's Election Signs remain in a state of repair.

6. Contents of election signs

- 6.1 Each Election Sign shall identify who is responsible for the messaging.
- 6.2 Each Third Party Sign shall 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.
- 6.3 No Owner shall display the City's logo or the City's municipal election logo, in whole or in part, on any Election Sign.

7. Timing of placement

- 7.1 No Owner shall Place or permit to be Placed an Election Sign for a federal or provincial Election or by-election earlier than the issuance of the Writ of Election or By- Election.
- 7.2 No Owner shall Place or permit to be Placed an Election Sign for a municipal election earlier than the day that the Candidate has been nominated or registered and no earlier than:
 - a) 45 days prior to Election Day in the year of a regular election; or
 - b) Nomination Day for a by-election.
- 7.3 No Owner shall Place or permit to be Placed an Election Sign prior to the payment of the \$150.00 Election Sign Permit Fee.

8. Locations in general

- 8.1 Election Signs are permitted in any Zone.
- 8.2 No Owner shall Place or permit to be Placed an Election Sign for a municipal election in any ward that they are not officially nominated or registered in.
- 8.3 No Election Sign shall be located where it will interfere with the safe movement or visibility of any vehicle or pedestrian traffic or where it is a general hazard to public safety.
- 8.4 No Election Sign shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue, air intake or air exhaust, nor so as to prevent or impede the free access of emergency personnel to any part of a building, including any emergency water connection or fire hydrant.
- 8.5 No Election Sign shall be affixed to a tree, pipe, telephone pole, hydro pole, light standard or any other utility infrastructure.

9. Election signs on private property

- 9.1 Only one single-sided or doubled-sided Election Sign per Candidate will be allowed per Private Property unless the Private Property consists of multiple residential properties, then one single-sided or double-sided Election Sign per Candidate per unit will be allowed, provided that the Signs are a minimum of 1 metre apart.
- 9.2 Only one Election Sign per Candidate per 500 metres of frontage is allowed for commercial/industrial properties.
- 9.3 No Owner shall Place or permit to be Placed an Election Sign on Private Property without the property owner's or an occupant's consent.

10. Election signs on highways

- 10.1 No Owner shall Place or permit to be Placed an Election Sign on a Highway so that the Election Sign:
 - a) Is on a Roadway;

- b) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - c) Is within 1 metre of a curb or pavement edge;
 - d) Is on a median or island located on a Roadway;
 - e) Is on a median or island located within a Roadway;
 - f) Is less than 3 metres from a School Crossing;
 - g) Is less than 10 metres from an Intersection Pedestrian Signal;
 - h) If on a Highway within a residential Zone, is less than 10 metres from another Election Sign for the same Candidate or Third Party; or
 - i) If on a Highway within a commercial and/or industrial Zone, is less than 50 metres from another Election Sign for the same Candidate or Third Party.
- 10.2 No Owner shall Place or permit to be Placed an Election Sign on a Highway structure.
- 10.3 No Owner shall dig, drill or drive into asphalt, concrete, brick or any other hard improved surface on a Highway when placing an Election Sign.
- 10.4 No Owner shall drill or drive into a wooden, metal, concrete or other Highway structure when placing an Election Sign.

11. Election signs near voting places

- 11.1 On any day when electors are casting their ballots, no Owner shall Place, or permit to be Placed, any Election Sign on land within 100 metres of a Voting Place, unless such land is a residential Private Property.

12. Election signs on public property

- 12.1 No Owner shall Place or permit to be Placed, an Election Sign on Public Property.
- 12.2 No Owner shall Place or permit to be Placed, an Election Sign on property owned by the Province of Ontario.
- 12.3 No Owner shall Place or permit to be Placed, an Election Sign within a Park.

13. Removal of election signs

- 13.1 Every Owner shall remove all of the Owner's Election Signs within 72 hours (3 days) immediately following 11:59 p.m. of the day of the Election.
- 13.2 An Owner is entitled to receive a refund of the Election Sign Permit fee if the Owner:
- a) Removes the Owner's Signs within 72 hours (3 days) immediately following 11:59 p.m. of the day of the Election; and
 - b) Has no outstanding fines resulting from violations of this By-law.
- 13.3 The Issuer of Licences may remove or cause to be removed immediately, without notice, any Municipal Election Sign that creates a hazard or does not comply with this By-law.

- 13.4 The Issuer of Licences may remove or cause to be removed immediately, without notice, any Federal or Provincial Election sign that creates a hazard.
- 13.5 The Issuer of Licences may remove or cause to be removed, with reasonable notice, any Federal or Provincial Election sign that may not create a hazard but does not comply with this By-law.
- 13.6 The Issuer of Licences may recover the expense for the removal of an Election Sign from the Owner of such Sign and may commence proceedings against the Owner to recover such expense.
- 13.7 The Issuer of Licences may, without notice or compensation, destroy or otherwise dispose of Election Signs removed in accordance with this By-law or any other Acts.

14. Campaign office exemptions

- 14.1 Despite the foregoing provisions regarding the timing of Placing Election Signs, Election Signs may be erected on a Candidate's Campaign Office once the Candidate has filed their nomination with the City Clerk.
- 14.2 Further, a "Campaign Office" located within a non-residential Zone shall be exempt from Sections 9 and 13 of the Election Sign By-law.

15. Administration

- 15.1 The General Manager of Operations, or their designate, is responsible for the administration of this By-law.
- 15.2 Any Owner seeking an Election Sign Permit shall submit to the City Clerk:
 - a) A completed application form;
 - b) The applicable fee or charge; and
 - c) Any further applicable information and material required by the City Clerk.
- 15.3 The Issuer of Licences may issue an Election Sign Permit if all applicable requirements are satisfied.
- 15.4 The Election Sign Permit may indicate such particulars as:
 - a) The Owner to whom the Election Sign Permit is issued;
 - b) For each Election Sign to which the Election Sign Permit applies, its permitted size and its permitted location;
 - c) The date of issuance of the Election Sign Permit; and
 - d) The voting date in respect of which the Election Sign applies.

16. Enforcement

- 16.1 This By-law may be enforced by any Municipal By-law Enforcement Officer.

17. Severance

- 17.1 If any section or part of a section of this By-law is found by any Court to be illegal or beyond the power of Council to enact, such section or part of

a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to be separate and independent and shall continue in full force and effect.

18. Offence and penalty

- 18.1 Every Owner 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, as amended.

19. Force and effect

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

Passed this Twenty-fifth day of April, 2022.

Schedules:

None.

Cam Guthrie, Mayor

Stephen O'Brien, City Clerk