

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW No. 2018-027

BEING a by-law to regulate Municipal and School Board Election signs within the Township of South Stormont.

WHEREAS the *Municipal Act, 2001*, c. 25 SS. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 SS. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS Council deems it advisable to have a by-law regulating Municipal Election Signs.

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1. Definitions

For the purpose of this by-law:

- 1.1 "Candidate" means, in relation to an election in a municipality or school board, an individual that is registered in accordance with the Municipal Elections Act, 1996 and the Education Act, 1990.
- 1.2 "Clerk" means a person appointed by Council under the Municipal Act, or designate and who is the person responsible for conducting the election in the lower tier municipality in accordance with the Municipal Elections Act, 1996, as amended.
- 1.3 "Municipal Election Sign" means any sign or poster displayed by, or on behalf of Municipal Council Candidates, Registered Third Party Advertisers or School Board Candidates.
- 1.4 "Municipal Law Enforcement Officer" means the Municipal Law Enforcement Officer for the Township of South Stormont.
- 1.5 "Registered Third Party Advertiser" means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the Municipal Elections Act, 1996, as amended.
- 1.6 "School Board" means the English Public, French Public, English Catholic and French Catholic school boards having authority over the Township of South Stormont.

2. Sign Deposit

- 2.1 Prior to any Municipal Election Sign being erected within the Township of South Stormont, Candidates and Registered Third Party Advertisers shall file a deposit fee of \$100.

- 2.2 Deposits must be submitted to the Clerk and may be in the form of cash or cheque payable to the Township of South Stormont.
- 2.3 Sign deposits are due and payable at the time of the filing of nomination papers/registration papers and prior to the erection of any signs for any Municipal or School Board Candidates.
- 2.4 Municipal Election Signs must be removed within five (5) days following the Municipal Elections. If not removed within five (5) days, the Clerk may direct that the signs be removed and the deposit retained by the municipality.
- 2.5 The Clerk's decision to retain the deposit shall be final and not subject to review.
- 2.6 In the event that the deposit is not retained, the Clerk shall direct the Treasurer to refund the deposit paid under this by-law upon satisfactory removal of all Municipal Election Signs. No interest will be paid on the deposit.

3. Restrictions and Enforcement

Amended by
By-law No.
2018-075

- 3.1 No Municipal Election Sign shall be larger than ~~4.8~~ **1.48** square meters (16 square feet or 4 feet X 4 feet).
- 3.2 Only Candidates, Registered Third Party Advertisers, or their agents are permitted to erect Municipal Election Signs.
- 3.3 No Municipal Election Sign shall be located within 100 meters of, or on any voting location property, including the parking lot and road allowance in front of any voting location property.
- 3.4 No Municipal Election Sign shall be posted in the Township of South Stormont for a Candidate in another municipal jurisdiction.
- 3.5 No Municipal Election Sign shall be erected prior to the second Friday in September of an election year, or forty-five (45) days prior to Voting Day in the case of a bi-election.
- 3.6 No Municipal Election Sign shall be placed on any municipal property other than a road allowance. This may include, but is not limited to, parks, trails, or sites with municipal buildings. For example, the fire halls, libraries and/or South Stormont Seniors' Support Centre.
- 3.7 Notwithstanding Section 3.6 above, when a municipal building is secured within the provisions of the Township's Use of Corporate Resources During an Election Policy, Municipal Election Signage is permitted on the inside of the building as long as it is not visible from the outside.

Furthermore, all Municipal Election Signage must be removed at the end of the event.

- 3.8 No Municipal Election Signs shall be placed so as to:
- a) Obstruct the visibility of any pedestrian or driver;
 - b) Obstruct the visibility of any traffic sign or device;
 - c) Interfere with vehicular traffic in any manner;
 - d) Obstruct openings required for light, ventilation ingress, egress or fire or medical emergencies; or
 - e) Constitute a danger or hazard to the general public.
- 3.9 No Municipal Election Sign shall be posted on private property without the express consent of the owner.
- 3.10 All other provisions included in the Municipal Elections Act, 1996, as amended shall apply. It is the responsibility of Candidates and Registered Third Party Advertisers to ensure compliance with applicable legislation.

4. Removal of Signs

- 4.1 Where Municipal Election Signs have been posted in contravention of this by-law, the Clerk or Municipal Law Enforcement Officer may notify the owner, Candidate or their agent to remove the sign and take the necessary action to ensure that the sign complies with the provision of this by-law within 24 hours of notice.
- 4.2 Where action is not taken under Section 4.1, the Clerk or Municipal Law Enforcement Officer may remove, cause to be removed or direct that the signs be removed and the deposit retained by the municipality.

5. Severance

- 5.1 If any sections, sections of part of a section of the by-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section of part of a section shall be deemed to be severable and all other sections of parts of section of this by-law shall continue in full force and effect.

6. Force and Effect

- 6.1 The By-law shall be called the Municipal Election Sign By-law.
- 6.2 This by-law takes force and effect on the day of passing.

READ and passed in open Council, signed and sealed this 25th day of April, 2018.

Original signed

Mayor

Original signed

Clerk