

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**

**BY-LAW NO. 2018 - 24**

**Being a By-law to regulate the placement of Municipal Election Signs in the Municipality of Magnetawan**

**WHEREAS** Section 10(2) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended, states that a municipality may pass by-laws respecting structures including fences and signs;

**AND WHEREAS** Section 99(2) and (3) of the *Municipal Act* provides that the municipality may remove signs at the expense of the owner of the sign if it is erected or displayed in contravention to this by-law;

**AND WHEREAS** 88.3(2) of the *Municipal Elections Act, 1996, S.O. 1996, c.32, Sched.*, as amended, states that any election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate;

**AND WHEREAS** Section 32 of the *Municipal Election Act* states that where a municipality is satisfied that there has been a contravention of the Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

**1. DEFINITIONS**

- 1.1. Candidate** means a person who is nominated to run in a municipal election.
- 1.2. Clerk** means the Clerk for the Municipality of Magnetawan, or his or her designate.
- 1.3. Highway** means 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.
- 1.4. Municipality** means The Corporation of the Municipality of Magnetawan.
- 1.5. Municipal Election Sign** means any sign advertising or promoting a candidate in a municipal election or municipal by-election either placed by a representative for a registered candidate or registered third party advertiser.
- 1.6. Owner** means the person who places or permits the placing of an election sign or any person described on the sign, whose name, address or telephone number is on the sign or who benefits from the message on the sign and for the purposes of this By-law there may be more than one owner of an election sign.
- 1.7. Park** means any land or premises under the control or ownership of the Municipality 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.
- 1.8. Person** means an individual, corporation, or association, and includes a registered Third Party Advertiser.
- 1.9. to Place** means to attach, install, erect, build, construct, reconstruct, move, display, or affix in any manner.

- 1.10. **Private Property** means real property that is not a highway or public property.
- 1.11. **Public Property** means real property owned or under the control of the Municipality of Magnetawan, 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, and does not include a property where one or more persons reside on the Public Property.
- 1.12. **Third Party Advertiser** means a registered individual, corporation or trade union that is registered with the municipality in accordance with prescribed legislation.
- 1.13. **Voting Day** means voting day as defined in the *Municipal Elections Act, 1996*.
- 1.14. **Voting Place** means a place where electors cast their ballots or ballots are counted which includes all of the area enclosed by the lot lines of the public property and any highway abutting.

## 2. **GENERAL PROVISIONS**

- 2.1. Municipal Election Signs shall not be placed prior to the Candidate filing their nomination papers or prior to the registration of a Third Party Advertiser.
- 2.2. Municipal Election Signs shall not be placed on any Public Property including but not limited to:
  - 2.2.1. Municipal Office and Fire Hall
  - 2.2.2. Magnetawan Community Centre and Pavilion
  - 2.2.3. Ahmic Harbour Community Centre
  - 2.2.4. Public Works or Parks Yards
  - 2.2.5. Heritage Centre, Municipal Locks System, Municipal Parking Lots and Public Library
  - 2.2.6. Municipal open space (including municipally maintained planters, flower beds etc.)
  - 2.2.7. All Municipal Parks
- 2.3. Municipal Election Signs shall not be permitted on road allowances immediately adjacent to the properties noted above with the exception of 2.2.6.
- 2.4. Municipal Election Signs shall not be placed/affixed to any building owned, leased or operated by the Municipality of Magnetawan or the Near North District School Board.
- 2.5. No person shall place or permit to be placed on a motor vehicle, a Municipal Election Sign where the motor vehicle is parked at a Voting Place on any day when electors are voting.
- 2.6. No person shall display the Municipality's logo, in whole or in part, on any Municipal Election Sign.
- 2.7. Municipal Election Signs shall not:
  - 2.7.1. be attached to trees or utility poles;
  - 2.7.2. be at the voting place designated in the Clerk's procedures;
  - 2.7.3. have flashing lights or rotating parts;
  - 2.7.4. be illuminated;
  - 2.7.5. simulate any traffic control device; or
  - 2.7.6. impede or obstruct the passage of pedestrians on a sidewalk.
- 2.8. Municipal Election Signs may be placed on Municipal road allowances with the following provisions:
  - 2.8.1. The Signs shall be no larger than two (2) feet by two (2) feet;
  - 2.8.2. If the Public Works Superintendent or his/her designate determines that the location of the Sign is impeding the necessary sightlines of motorists, municipality's snow plow operations, or access to a private driveway, the Candidate or Third Party Advertiser shall, upon the request of the Clerk or his/her designate, remove the Sign;
  - 2.8.3. Should the Sign be causing an immediate safety issue, the Public Works Superintendent, or his/her designate, shall remove the sign upon it being brought to his/her attention.
- 2.9. Where Municipal Election Signs placed on private property are causing an immediate safety issue, the Public Works Superintendent, or his/her designate, shall remove the Sign upon it being brought to his/her attention, and the cost of such removal shall be charged back to the owner of the sign as per Section 4 of this By-law

- 2.10. Municipal Election Signs shall be removed no later than seven (7) days following Municipal Election Day.
- 2.11. Candidates and Third Party Advertisers shall be responsible for compliance with signage by-laws and regulations of the Province of Ontario (Ministry of Transportation).

**3. SIGNS IN GOOD REPAIR**

- 3.1. No person shall permit a Municipal Election Sign to be left in a state of disrepair.

**4. FEES**

- 4.1. Municipal Election Signs placed in contravention of this By-law that are required to be removed or Signs that are not removed within the time-frame noted in Section 2.10 shall be removed by the Municipality and disposed of. The cost of such removal and disposal shall be charged back to the owner of the signs at a charge of \$50.00 per sign.

**5. REMOVAL AND DESTRUCTION OF MUNICIPAL ELECTION SIGNS**

- 5.1. The Candidate or Third Party Advertiser to whom a Municipal Election Sign relates shall be responsible for the erection and display of the Sign and shall ensure that all the requirements of this By-law are met.
- 5.2. The Clerk or a Municipal Law Enforcement Officer may remove any Municipal Election Sign erected in contravention of this By-law without notice.
- 5.3. The Municipality may recover the expense for the removal of a Municipal Election Sign under this By-law from the Owner of such Sign, and may commence proceedings against the Owner to recover such costs.
- 5.4. Municipal Election Signs removed in accordance with this By-law may be destroyed or otherwise disposed of by the Municipality without notice and without compensation to any party.

**6. OTHER LAWS**

- 6.1. Nothing in this By-law relieves any person of the responsibility for adhering to other applicable laws where regulating signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required or for obtaining the approval of the property owner, or any other statutes that regulate election signs.

**7. TITLE**

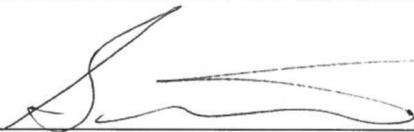
- 7.1. This by-law may be cited as the "Election Sign By-Law".

**8. FORCE AND EFFECT**

- 8.1. This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

**READ A FIRST, SECOND, AND THIRD TIME**, passed, signed and the Seal of the Corporation affixed hereto, this 25<sup>th</sup> day of April, 2018

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator