

The Corporation of the Municipality of Brighton

By-law No. 0376-2022

Being a Bylaw to Regulate the Place and Use of Election Signs within the Municipality of Brighton

Whereas the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 11 authorizes a municipality to pass by-laws respecting signs;

And Whereas the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 99 provides that all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device, and all costs and charges incurred for disposing of an advertising device may be recovered by the municipality as a debt owed by the owner of the device;

And Whereas Part XIV of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confers broad authority on municipalities to inspect lands at any reasonable time and to take such necessary enforcement actions as are required to ensure ongoing compliance with a municipality's by-laws;

And Whereas Section 88.5(1) of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended, states no registered third party shall cause a third-party advertisement to appear during the restricted period unless the advertisement contains the name of the registered third party, the municipality where the registered third party is registered, a telephone number, mailing address or email address where the registered third party may be contacted regarding the advertisement;

And Whereas Council deems it appropriate to regulate the placement of Election Signs within the Municipality to facilitate equal opportunity for all Candidates, and to ensure the safety of individuals by the safe placement of Election Signs;

Now Therefore the Council of the Municipality of Brighton hereby enacts as follows:

1. Definitions

That in this By-law:

"By-law Officer" means an officer or employee of the Municipality charged with the responsibility of enforcing this By-law;

"Candidate" means a person officially nominated as a candidate in an election (Federal, Provincial and Municipal), or their authorized agent;

"Clerk" means the person appointed as Clerk of the Municipality by Council in accordance with the Municipal Act, 2001, as amended, or designate.

"Council" means the Council of The Corporation of the Municipality of Brighton;

"County" means The Corporation of the County of Northumberland;

"Election" means any federal, provincial, or municipal election and any question or by-law submitted to the electors and includes an election to a local board or commission;

"Election Campaign Advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate;

"Election Sign" means a sign or other advertising device, secured in a manner which minimizes its movement, which using 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 Candidate at an election held in accordance with the Canada Elections Act, The Elections Act (Ontario) or the Municipal Elections Act, 1996, as amended;
- b. to vote in favour of or against any question or by-law submitted to the electors in accordance with Section 8 of the Municipal Elections Act, 1996, as amended;

For the purpose of this Section, Election Signs of a non-rigid nature shall be securely affixed on a minimum of two (2) opposite sides in order to minimize any potential movement. The definition of Election Sign shall not apply to Vehicle Wraps.

"Highway" shall have the same meaning as the *Highway Traffic Act*, R.S.O. 1990, c.H.8, and includes unopened road allowances;

"Mobile Election Sign" means a temporary sign which is not permanently affixed to the ground or to any structure, and typically designed for the rearrangement of copy on the sign face, and which is capable of being readily moved from one location to another, and may be part of or attached to a wheeled trailer or frame without wheels in such a manner so as to be able to be moved from place to place, which is being used as an election sign, but does not include a sign attached to a motorized vehicle where the principle use of the vehicle is transportation of people, goods or other materials;

"Municipal Help Centre" means the entire building where electors can access assistance for matters pertaining to municipal elections and the entire property associated with the building.

"Municipality" means The Corporation of the Municipality of Brighton;

"Officer" means an officer appointed by the Municipality for the purpose of enforcing Municipal by-laws, any employee of the Municipal Public Works Department whose duties include enforcement of this By-law;

"Person" includes an individual, partnership, natural person, candidate, his or her agent or any representative of a candidate, or registered third party;

"Public Highway" means a highway as defined under the *Highway Traffic Act*, as amended;

"Public Park" means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise to the Municipality, that is established, dedicated, set apart or made available for use as woodlot, ravine, recreation centre, square, garden, walkway, water, or any other area in the Municipality, devoted to active or passive recreation including the adjacent road allowance;

"Public Property" includes highways, public parks, public utility poles, streetlights, stop lights, and similar utilities and infrastructure located within a highway regardless of whether the item/utility/structure is owned by or under the control of the Municipality or any of its agencies, boards, or commissions, and includes any lands belonging to or owned by any federal, provincial, or regional authority or any of their agencies, boards, or commissions;

"Public Works Department" means the Public Works and Environment Department of the Municipality;

"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;

“Third Party Advertiser” means, any Ontario resident, corporation and trade union that will incur expenses for advertisements related to the promotion, support or opposition of a candidate, or take a position on a “yes” or “no” question on the ballot, in any broadcast, print, electronic, or other medium.

“Third Party Advertising” means, is a way for those outside of the candidate’s campaign to express support of or opposition to candidates and to try to persuade voters to vote a certain way. An advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate. Advertisement includes traditional ads as well as materials such as brochures or signs.

“Total Sign Height” means the total height of an election sign measured from grade to the top of the sign structure;

“Urban Area” means an urban area shown in the Municipality’s Official Plan;

“Utility Pole” means a wooden, metal, concrete or other pole erected on any street that carries any public utility and shall include any pole erected to hold or support any traffic control device;

“Vehicle Wrap” means an aftermarket, advertising practice of covering a vehicle, in whole or in part, by a wrap advertising a business, service, political candidate, or other entity;

“Visibility Triangle” means a triangular shaped area of land abutting a highway or private road that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a motor vehicle exiting onto or driving on the highway or private road as illustrated in Appendix A hereto;

“Voting Day” means the day on which the final vote is to be taken in an election pursuant to the relevant provincial or federal legislation, and includes any day in which advanced votes are taken;

“Voting Location” means the entire building where voting will occur and the entire property associated with the building, and includes facilities and lands utilized as a Municipal Help Centre; and

“Zone” means an area of land with designated permitted uses and restrictions as set out in the Municipality’s Zoning By-law No. 140-2002, as amended.

2. Regulations

- a) No Election Sign for a Municipal/School Board election, being stationary or mounted on a vehicle, shall be erected, or displayed until the candidate has filed his or her nomination papers and paid all required fees and been registered as a candidate.
- b) Signs can only be placed starting September 1st until four days after the election.
- c) No municipal Election Sign shall be posted within the geographical boundaries of the Municipality for a Candidate in another municipal jurisdiction.
- d) No Election Sign shall have an area greater than 2.97 m² (32 ft²).
- e) No Election Sign shall be located, erected, posted, placed, or otherwise displayed on any property owned by the Municipality, including but not limited to such lands associated with road allowances, and any other lands, buildings, and facilities under the jurisdiction of the Municipality.
- f) No Election Sign shall be located, erected, posted, placed, or otherwise displayed in a manner that contravenes any by-law adopted by the County to regulate election signs on County lands. County sign by-law shall take precedence if there are any conflicts between the Municipal Bylaw and the County Bylaw.

- g) No Election Sign shall be placed within a Visibility Triangle as illustrated in Appendix A attached hereto, and determined as follows:
- i. The term 'visibility triangle' herein is used interchangeably with the term 'Sight Triangle' as referenced in the Municipal Zoning By-law No. 140-2002. The visibility triangle adjacent to an exterior side lot line shall be the area enclosed by each of the street lines measured to a point specified in the applicable Municipal Zoning By-law No. 140-2002 back from the intersection of the street lines, and a diagonal line drawn between these two points.
 - ii. The visibility triangle from a driveway, lane or right-of-way shall be the area enclosed by the line along the limits of the driveway and the street line measured to a point 3.0 metres back from the intersection of the street lines and the limit of the driveway, lane or right-of-way and a diagonal line drawn between these two points.
 - iii. The visibility triangle extends beyond private property into the road allowance. For the purposes of this By-law the distance along the property line shall be measured at 7.5 metres (24.6 feet);
 - iv. Notwithstanding provisions of Section 2.g., an election sign may be installed within a visibility triangle provided it does not exceed 1 metre (3 feet).
- h) No Election Sign shall obstruct the view of any official traffic sign or signal or resemble any official traffic sign or signal.
- i) No person shall erect, install, post, or display any Election Sign in a location which restricts any sightline of a pedestrian or vehicle.
- j) No person shall erect, install, post, or display any Election Sign which incorporate in any manner any flashing or moving illumination which varies in intensity, or which varies in colour, and signs which have visible moving parts, or visible mechanical movement.
- k) No person shall place or allow to be placed any Election Sign, poster, or placard in or on a vehicle that is located on any premises used as a Voting Location if the sign, poster, or placard is visible.
- l) No person shall display the Municipality's logo, crest, or seal, in whole or in part, on any Election Sign.
- m) No vehicle displaying an Election Sign, including a Vehicle Wrap, shall be permitted to park within 45.72 m (150 ft) of a Municipal Centre or Voting Location any day that voting may be occurring at said location.
- n) Every Registered Third-Party Advertiser shall ensure that Election Signs are erected or installed in accordance with the Municipality's Election Sign By-law.
- o) Every Registered Third-Party Advertiser shall ensure that Election Signs are fully compliant with the *Municipal Elections Act, 1996*, as amended.
- p) Every Candidate for a federal or provincial election shall ensure that Election Signs are erected or installed in accordance with the Municipality's Election Sign By-law unless the Canada Elections Act or Elections Act (Ontario) provide otherwise.
- q) No person shall deface, relocate, remove, or willfully cause damage to a lawfully erected Election Sign. A Candidate or Third Party Advertiser, to whom the sign belongs, may relocate, or remove his/her Election Sign.

3. Elections Signs on Private Property

Election signs may be erected on private property subject to the following conditions:

- a) Election Signs shall be erected only with the consent of the respective property owner or tenant;
- b) Election Signs shall not restrict any sightline of a pedestrian or vehicle on a Public Highway.

4. Removal of Election Signs

- a) Every Candidate shall ensure that all Election Signs are removed no later than four (4) days following the voting day of the election for which the sign was erected or installed.
- b) When a By-law Officer has reasonable and probable grounds to believe that an Election Sign has been placed, erected, or installed in contravention of the provisions of this By-law, the By-law Officer will consult with the Clerk. The Clerk may notify the Candidate advising of the non-compliance and requiring the necessary actions on behalf of the Candidate to ensure compliance with the provisions of this By-law or may cause the Election Sign to be immediately removed without notice, depending on circumstances. By-law Officers acting on behalf of the Municipality are delegated the authority to remove any Election Sign found to be non-compliant with this By-law.
- c) Notwithstanding the Regulations identified, if an Election Sign poses a safety hazard in the opinion of the Clerk and/or By-law Officer, the sign shall be immediately removed, and the Candidate advised accordingly.
- d) No Election Sign shall be returned to the Candidate on Voting Day.
- e) Signs on Municipal property will be removed without notice.
- f) The Municipality may destroy any Election Sign which has been removed and is not claimed and retrieved by the Candidate four (4) days following the voting day of the election for which the sign was erected or installed, without compensation to the Candidate.

5. Severability

If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of the Municipality, or are invalid for any other reason, such provisions shall be deemed to be severable and shall not invalidate any other provision of this By-law, which shall remain in full force and effect.

6. Short Name

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

7. Scope

This By-law shall apply to the entire geographical area of the Municipality.

8. Amend/Repeal

That any historic By-laws, being a by-law for the regulation, control and inspection of signs and other advertising devices for election purposes in the Municipality of Brighton, is hereby repealed in its entirety.

9. Effective Date

This By-law shall come into force and take effect on the date of final passing thereof.

Read a first, second and third time and finally passes on this 21st of March, 2022.

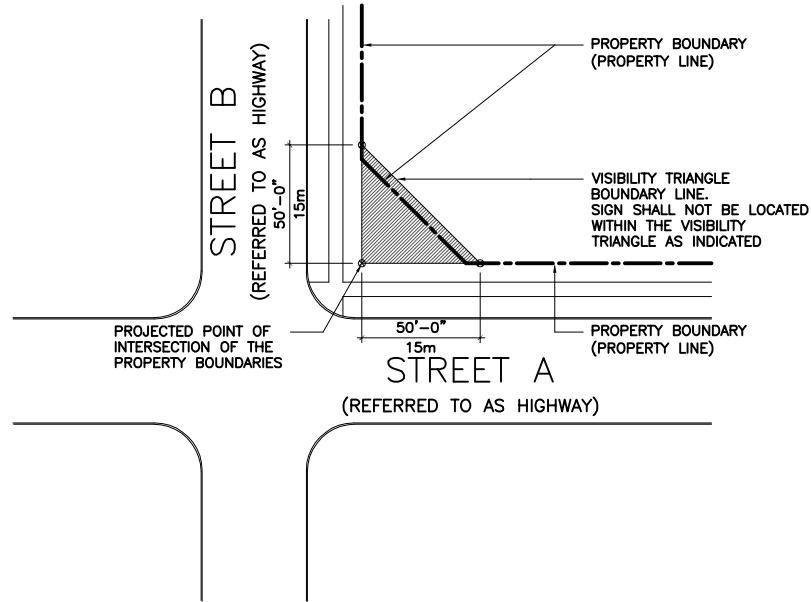
Brian Ostrander, Mayor

Candice Doiron, Clerk

VISIBILITY TRIANGLE AT STREET INTERSECTION

“VISIBILITY TRIANGLE” SHALL MEAN:

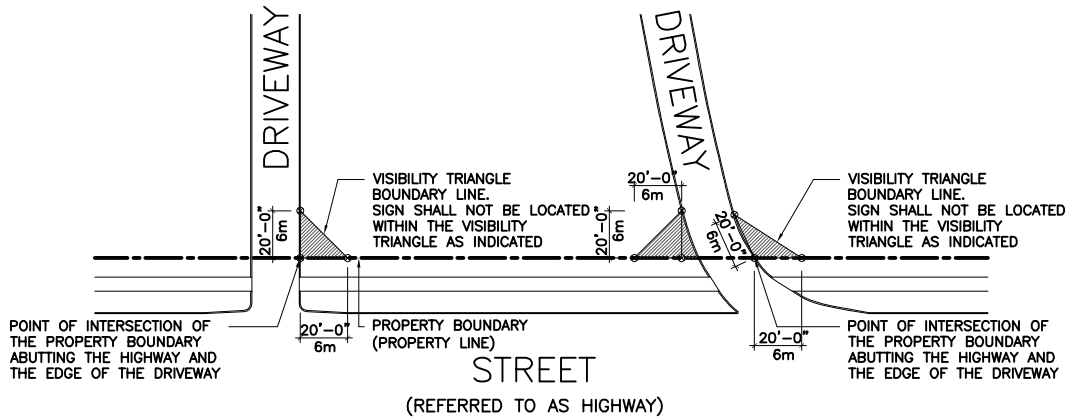
- (a) IN THE CASE OF AN INTERSECTION OF TWO HIGHWAYS THE TRIANGULAR AREA FORMED BY MEASURING FROM THE ACTUAL AND PROJECTED POINT OF INTERSECTION OF THE PROPERTY BOUNDARIES ABUTTING THE HIGHWAY, A DISTANCE OF 15 M (50 FT) ALONG EACH SUCH PROPERTY BOUNDARY TO TWO POINTS, AND JOINING THOSE TWO POINTS



VISIBILITY TRIANGLE AT DRIVEWAY AND STREET INTERSECTION

“VISIBILITY TRIANGLE” SHALL MEAN:

- (b) IN THE CASE OF AN INTERSECTION OF A DRIVEWAY WITH A HIGHWAY, THE TRIANGULAR AREA FORMED BY MEASURING FROM THE POINT OF INTERSECTION OF THE PROPERTY BOUNDARY ABUTTING THE HIGHWAY AND THE EDGE OF THE DRIVEWAY, A DISTANCE OF 6 M (20 FT) ALONG THE PROPERTY BOUNDARY AND THE EDGE OF THE DRIVEWAY TO TWO POINTS AND JOINING THESE TWO POINTS;



DRAWING TITLE:

SIGN BY-LAW
APPENDICES

VISIBILITY TRIANGLE