

The Corporation of the City of Burlington

City of Burlington By-law 18-2018

A by-law to regulate election signs in the City of Burlington
File: 790-01 (PB-19-18)

Whereas, section 11 of the *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting signs; and

Whereas Council deems it desirable to regulate signs which create a nuisance, affect public safety and detract from the character of the community during an election period.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART 1: DEFINITIONS

1.1 DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

“Candidate” means a person who has been nominated under the *Canada Elections Act*, the *Elections Act (Ontario)* or the *Municipal Elections Act, 1996* as amended;

“City” as the context requires, means “The Corporation of the City of Burlington”;

“City Clerk” means the City Clerk of the City or a person delegated by them for the purpose of this by-law;

“Council” means the Council for the City of Burlington and includes its successor;

“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 Sign” means a sign advertising or promoting the election of a political party or candidate for public office in a federal, provincial or municipal election and includes signs promoting the position of a person registered to campaign with respect to a question on a ballot and third-party election signs. An Election Sign does not include any election campaign literature.

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle or other public way;

“Owner” means any Person who is the registered owner of the land, a lessee or occupant of the land or any Person managing or receiving the rent of the land or premises;

“person” means an individual, partnership, corporation, business trust, limited liability company, limited liability partnership, joint stock company, trust, unincorporated association, joint venture, company or other entity;

“Vehicle Sign” means any form of Election Sign displayed in or on a vehicle or trailer;

“Voting Day” means any day on which voting takes place or on which voting by internet or telephone is permitted within the City;

“Voting Place” means any public building or property, including a parking lot, where voting takes place;

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act (Ontario)*.

PART 2: BY-LAW TITLE

2.1 This by-law shall be referred to as the “Election Sign By-law”.

PART 3: GENERAL PROVISIONS

3.1 No Person shall display an Election Sign within the City except in accordance with the provisions of this by-law and all applicable legislation.

3.2 This by-law shall not apply to signs displayed by the City to provide information concerning an Election or any part of an Election process.

3.3 No person shall display an Election Sign at any location other than entirely on private property, however a Vehicle Sign can be displayed by a Candidate on or in a vehicle owned by the Candidate while such vehicle is in use on any Highway in accordance with applicable laws and by-laws, and on city streets and parking lots, within exception of streets/lots visible from polling stations on advance poll days, and Election Day.

3.4 No person shall display an election vehicle sign without first registering the vehicle with the municipality. One vehicle sign per candidate is permitted.

3.5 No person shall display an Election Sign on private property without the permission or consent of the Owner of the property.

3.6 No person shall display an Election Sign that:

- a) is painted on, attached to or supported by a tree, stone or other natural object;
- b) incorporates flashing lights or rotating parts;
- c) is illuminated;
- d) simulates any traffic control device;
- e) is affixed to public utility poles;
- f) is displayed so as to obstruct, impede, hinder or prevent parking by vehicles on private or public lands or on a Highway; or
- g) is in contravention of the *Elections Act (Ontario)*, *Canada Elections Act* or the *Municipal Elections Act*, as applicable.

3.7 No person shall remove, deface or willfully cause damage to a lawfully displayed Election Sign.

3.8 No person shall, at any time on any Voting Day, display an Election Sign or Vehicle Sign on a property used as a Voting Place or where the administration of Election processes is conducted.

3.9 No person shall display a Vehicle Sign at a Voting Place on any day when there is voting.

3.10 No person shall display the City's logo or the City's municipal election logo in whole or in part, on any Election Sign.

PART 4: TIMING OF DISPLAY

4.1 No person shall erect, or otherwise display an Election Sign:

- a) in the case of a municipal Election, forty-five (45) days prior to Voting Day;
 - i. vehicle signs are exempted and are permitted to be displayed as of the date of a candidate's registration, and clause 4.1 c) applies.
- b) in the case of a federal or provincial Election, prior to the day the Writ of Election is issued; or
- c) in the case of any Election, for a period greater than three (3) days immediately following the day of the Election.

4.2 No person shall place or permit to be placed at a Voting Place, an Election Sign or Vehicle Sign on any day when there is voting.

PART 5: ENFORCEMENT

5.1 The City Clerk or a Municipal Law Enforcement Officer may remove any Election Sign erected in contravention of this by-law without notice.

5.2 Election Signs removed in accordance with this by-law may be destroyed or otherwise disposed of by the City without notice and without compensation to any party.

PART 6: OFFENCE

6.1 Any person who contravenes any provisions of this by-law is guilty of an offence and upon conviction pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33 is liable to a fine.

6.2 Any costs payable or associated with an order of the court are in addition to, and not in substitution for, the payment of any penalty imposed by the court for the commission of an offence under this by-law or any other applicable legislation.

PART 7: SEVERABILITY

7.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its remaining terms to the extent possible under law.

PART 8: EFFECTIVE DATE

8.1 This by-law shall come into force and take effect on enactment.

Enacted and passed this 26th day of April, 2018

Mayor Rick Goldring _____

City Clerk Angela Morgan _____