

The Corporation of the City of North Bay
By-Law No. 2021-32
Being a By-Law to Regulate Election Signs
Within the City of North Bay

Whereas subsection 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power shall be exercised by by-law;

And Whereas subsection 10(2), paragraph 10 of the *Municipal Act, 2001* authorizes a single-tier municipality to pass by-laws respecting structures including signs; and

And Whereas subsection 63(1) of the *Municipal Act, 2001* provides that a By-Law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

And Whereas section 101(1) of the *Municipal Act, 2001* provides that, if a municipality passes a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law;

And Whereas subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

And Whereas section 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred, to do work to correct the contravention;

And Whereas section 88.3 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 provides that any election campaign advertisement purchased by or under the direction of a candidate, will be required to identify the candidate;

And Whereas section 88.7 of the *Municipal Elections Act, 1996* provides that where a municipality is satisfied that there has been a contravention of that Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;

And Whereas section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

And Whereas the Council of The Corporation of the City of North Bay is of the opinion that the legislative powers under this By-Law should be delegated to the City Clerk or his or her designate;

And Whereas The Corporation of the City of North Bay deems it expedient to pass a By-Law to regulate the placement of election signs for federal, provincial and municipal elections and by-elections;

And Whereas the Council of The Corporation of the City of North Bay passed Resolution 2021- ____ at its Regular Meeting held on the ____ day of _____, 2021 with respect to the regulation of election signs in the City of North Bay.

Now Therefore Be It Resolved That the Council of The Corporation of the City of North Bay hereby enacts as follows:

Part 1 – Interpretation and Application

1.1 Short Title

This By-Law may be cited as the “Election Sign By-Law”.

1.2 Reference Aids

The headings and subheadings used in this By-Law are inserted for convenience of reference only and do not form part of the By-Law and shall not affect in any way the meaning or interpretation of the provisions of this By-Law.

1.3 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.4 Compliance with Legislation

Nothing in this By-Law relieves any person from complying with any provision of any federal or provincial legislation, or any other By-Law of the City of North Bay and, without limiting the generality of the foregoing, this includes the *Municipal Act, 2001*.

1.5 Conflict

If a provision of this By-Law is in conflict with a provision of any applicable act, regulation or other By-Law, the provision that establishes the higher or more restrictive standard shall apply.

1.6 Schedules

The Schedules referred to in this By-Law form an integral part of this By-Law.

1.7 Delegation

The administration of this By-Law is hereby delegated to the City Clerk.

1.8 Definitions

For the purposes of this By-Law:

“Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25.

“Advanced Voting Day” means one or more days, held not more than thirty (30) days before Voting Day, that are designated by the City Clerk for electors to cast ballots prior to Voting Day.

“Billboard Election Sign” means an approved billboard pursuant to the City’s Sign By-Law 2006-143, as amended, being an outdoor sign erected and maintained by a person engaged in the sale or rental of the space on the Billboard Election Sign to a Candidate or Registered Third Party for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate or political party, or influencing electors to vote for or against an issue associated with a Candidate or political party, or influencing electors to vote for or against any Candidate or any question, law or By-Law submitted to the electors.

“Boulevard” means the portion of a Street which is not used as a Sidewalk, driveway access, Travelled Roadway, shoulder, Median Strip or Traffic Island.

“By-Election” means any Election other than a regular Election in the case of a municipal Election or a general Election in the case of a provincial or federal Election.

“By-Law Enforcement Officer” means the By-Law Enforcement Coordinator for the City of North Bay or any other individual authorized to enforce by-laws on behalf of the City of North Bay.

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign and where a Candidate’s or Registered Third Party’s campaign staff is normally present and the public may enter to obtain information regarding the Candidate or Registered Third Party.

“Campaign Office Election Sign” means any sign placed on a Campaign Office.

“Canada Elections Act” means the federal statute cited as the *Canada Elections Act*, S. C. 2000, c.9.

“Candidate” means a person who has been certified to run in a municipal, provincial or federal Election, and shall be deemed to include a registered Third Party seeking to influence electors to vote for or against any Candidate or any question or By-Law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*.

“City” means The Corporation of the City of North Bay.

“City Clerk” means the City Clerk of the City or a person designated by them for the purpose of this By-Law.

“Election” means a general federal or provincial Election or a regular municipal Election and any question or By-Law submitted to the electors and includes an Election to a Local Board or commission.

“Election Act” means the provincial statute cited as the *Election Act*, R. S. O. 1990, c.E.6.

“Election Sign” means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation, any poster, placard, bulletin and banner which:

- I. advertises, promotes, opposes or takes a position with respect to any Candidate or political party in a federal, provincial or municipal Election or By-Election, including an Election of a Local Board or commission; or
- II. is intended to influence electors to vote for or against an issue associated with a Candidate or political party in a federal, provincial or municipal Election or By-Election; or
- III. is intended to influence electors to vote for or against any Candidate or any question, law or By-Law submitted to the electors under the *Canada Elections Act*, the *Election Act*, or section 8 of the *Municipal Elections Act, 1996*.

For the purposes of clarification, an Election Sign does not include any Election campaign literature (e.g. pamphlets and brochures) but does include a Billboard Election Sign, Campaign Office Election Sign, Third Party Advertisement and Vehicle Election Sign.

“Local Board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

“Median Strip” means that portion of a Street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by means of a physical barrier or a raised or depressed paved or unpaved

separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout.

“Municipal Elections Act “means the provincial statute cited as the *Municipal Elections Act, 1996*, S. O. 1996, c.32.

“Nomination Day” for a regular municipal Election means the deadline to file a nomination with the City Clerk under the *Municipal Elections Act*. In the case of a municipal By-Election, the City Clerk shall fix the date of Nomination Day in accordance with the provisions of sub-section 65 (4) 1. of the *Municipal Elections Act*.

“Person” means but is not necessarily limited to, an individual, business, firm, corporation, unincorporated business, trade union, partnership, or association, and includes a Registered Third Party.

“Place” means to attach, install, erect, build, construct, reconstruct, move, display or affix. Placed, placement and placing shall have a similar meaning.

“Public Property” means property owned by or under the control of the City, any of its agencies, Local Boards or commissions, including highways and Streets, and shall be deemed to include public utilities facilities including Public Utility Poles, regardless of whether the Public Utility Poles are owned by or under the control of the City and shall also be deemed to include, buses, bus shelters, benches, municipal garbage containers or other structures located on a Street regardless of whether the shelters, containers or structures are owned by the City. Property owned by the City and leased to another person shall not be deemed to be Public Property.

“Public Utility Pole” means a pole owned or controlled by an entity which provides a municipal or public utility service.

“Registered Third Party” means one of the following whose notice of registration has been certified by the City Clerk pursuant to section 88.6 of the *Municipal Elections Act*:

- (a) An individual who is normally a resident in Ontario; or
- (b) A corporation that carries on business in Ontario; or
- (c) A Trade Union that holds bargaining rights for employees in Ontario.

“Sidewalk” means that portion of a Street with a surface that is improved and designed or ordinarily used for the use of pedestrians and shall include a multi-use path.

“Sight Triangle” means the triangular space formed by the Travelled Roadways of the Streets abutting a corner lot and a line drawn from a point in one Travelled Roadway to a point in the other Travelled Roadway, each point being 9m from the point of intersection of the Travelled Roadways (measured along the curb lines or edge of pavement). Where the two Travelled Roadways do not intersect at a point, the point of intersection of the Travelled Roadways shall be deemed to be the intersection of the projection of the curb lines or edge of pavement.

“Street” means the allowance for a public road and includes the travelled and untraveled portions of the Street, including the Median Strips, Traffic Islands, shoulders, Boulevards and Sidewalks.

“Third Party Advertiser” has the same meaning as Registered Third Party.

“Third Party Advertisement” shall mean a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting,

supporting or opposing a Candidate in a municipal Election or an Election of a Local Board or commission, or intended to influence persons to vote for or against any Candidate or any question or By-Law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*, and which has been placed without the authorization, direction or involvement of a Candidate.

“Trade Union” means a trade union as defined in the federal *Labour Relations Act, 1995*, or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

“Traffic Island” means a small raised area in the middle of a Street that provides a safe place for pedestrians to stand and marks a division between two or more opposing streams of traffic.

“Travelled Roadway” means that portion of a Street that is designed or ordinarily used for vehicular traffic and delineated by the curb line or the edge of pavement.

“Vehicle Election Sign” means any form of Election Sign displayed in or on a vehicle, including a vehicle wrap.

“Voting Day” means the day on which the final vote is to be taken in an Election or By-Election.

“Voting Place” means the location(s) where electors cast their ballots as approved by the federal, provincial, or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting Streets, when such Voting Place is located within a public or private premises and shall also include the common elements when the Voting Place is located within a private premises.

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

Part 2 – Regulations

2.1 General

- (1) No person shall deface or willfully cause damage to an Election Sign.
- (2) No Candidate or Third Party Advertiser to whom an Election Sign relates shall permit an Election Sign to be left in a state of disrepair.
- (3) No person shall place or permit to be placed on any Election Sign a logo, trademark, crest or official mark, in whole or in part, owned or licensed by the City.

2.2 Candidate / Registered Third Party Responsibility

The Candidate or the Registered Third Party to whom an Election Sign relates shall be responsible for the placing, removal and maintenance of the Election Sign and shall ensure that all requirements of this By-Law are met.

2.3 Timing

- (1) In a municipal election, no election signs shall be placed before Nomination Day or September 1st whichever is the latter.
- (2) No person shall place or permit to be placed any Election Sign for a federal or provincial Election or By-Election prior to the day the Writ of Election is issued.

- (3) Notwithstanding subsection (1), in a municipal election, Campaign Office Election Signs may be placed once a Candidate has been certified with the City Clerk or a Third Party Advertisers has registered with the City Clerk.
- (4) All Election Signs shall be removed within seven (7) days after the day on which the Election or By-Election is held.
- (5) Where an Election Sign has been placed on private property, it is the responsibility of the Candidates or Third Party Advertisers to ensure that the Election Sign(s) is removed within the required time frame as noted in section 2.2.

2.4 Placement of Signs - General

- (1) No person shall place or permit to be placed an Election Sign within the limits of the City, except in accordance with this By-Law and all applicable legislation.
- (2) No person shall place or permit to be placed an Election Sign or Vehicle Election Sign on, in, or within 50.0 metres of a Voting Place or a place where the administration of Election processes are conducted on Advance Voting Day or Voting Day.
- (3) No person shall place or permit to be placed an Election Sign in a cemetery or on any property that is abutting a cemetery.

2.5 Placement of Signs - Public Property

- (1) No person shall place or permit to be placed an Election Sign on or abutting Public Property including a Street except as permitted by this By-Law, including but not limited to:
 - (a) Municipal Buildings, Fire Halls and Police Stations;
 - (b) Public Works Yards and Garages;
 - (c) Arenas and Community Centres;
 - (d) Municipal Parks except in accordance with sections 2.5(3) and 2.5(4);
 - (e) Public Library building and property;
 - (f) Street/Road allowances, including within a Median Strip or Traffic Island, except in accordance with section 2.5(2) and 2.5(4); and
 - (g) Lands and Buildings owned by the North Bay-Mattawa Conservation Authority.
- (2) Election Signs may be placed on municipal road allowances provided that:
 - (a) the Election Sign is not located within the Sight Triangle; and
 - (b) the location of the Election Sign is not impeding the necessary sightlines of motorists, the City's snowploughing operations, or access to a private drive.
- (3) All Candidates or Third Party Advertisers may use the following park areas for the display of election signs:
 - (a) Thomson Park (beside Fisher Street) as shown on Schedule 'A'.
 - (b) Main Street East Overpass (from Oak Street East Judge Avenue) as shown on Schedule 'B';
 - (c) Lee Park (from Judge Avenue to James Street) as shown on Schedule 'B'; and
- (4) No person shall place or permit to be placed more than two (2) Election Signs per Candidate or Registered Third Party on any block of a municipal road allowance, or designated park areas as set out in section 2.5(2) and 2.5(3) above.

2.6 Placement of Signs – Private Property

- (1) No person shall place or permit to be placed an Election Sign on private property without permission or consent of the owner or occupant of the property.
- (2) No person shall place or permit to be placed an Election Sign on private property that:
 - (a) is illuminated, has flashing lights, or rotating parts;
 - (b) is located within 2.0 metres of the Travelled Roadway or within a Sight Triangle;
 - (c) obstructs, impedes or interferes with any fire escape, fire exit door, window, skylight, flue, air intake or exhaust, or any means of access by a firefighter to any part of a building or fire hydrant;
 - (d) impedes, hinders or prevents parking of vehicles on private lands;
 - (e) impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - (f) interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals; or
 - (g) impedes or obstructs City maintenance operations.
- (3) In accordance with section 88.2 of the *Municipal Elections Act, 1996*, owners or tenants in an apartment building, condominium building, non-profit housing co-operative or a gated community may place Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, co-operative or condominium corporation.

2.7 Vehicle Election Signs

- (1) No person shall place or permit to be placed a Vehicle Election Sign except in accordance with the provisions of this By-Law.
- (2) No person shall place or permit to be placed a Vehicle Election Sign on Public Property (other than a Street) or a cemetery.
- (3) Notwithstanding section 2.4 of this By-Law, a Vehicle Election Sign may be placed by a Candidate or Registered Third Party on or in a vehicle while such vehicle is in use on any Street in the City in accordance with all applicable laws and By-Laws.
- (4) On Advance Voting Day and Voting Day, no person shall place or permit to be placed a Vehicle Election Sign on a Voting Place or a place where the administration of Election processes is conducted or within 50.0 metres of a Voting Place or a place where the administration of Election processes is conducted.

2.8 Campaign Office Signs

- (1) Campaign Office Election Signs placed pursuant to of this By-Law shall only display:
 - (a) the name of a Candidate in a municipal Election or By-Election; or
 - (b) the name of a Candidate and the name and / or logo of a political party in a federal or provincial Election or By-Election; or
 - (c) the name of a Registered Third Party in a municipal Election or By-Election; and
 - (d) the location of a Candidate's or Registered Third Party's Campaign Office,

and shall contain no other message.

- (2) Other Election Signs may be placed on the Campaign Office property in accordance with the provisions of this By-Law and all other applicable legislation respecting Election Signs.

2.9 Third Party Advertisers

- (1) A Third Party Advertiser shall be registered with the City Clerk prior to placing any Election Signs.
- (2) A Third Party Advertiser shall ensure that their Third Party Advertisements contain valid and up-to-date contact information, including the name of the Registered Third Party, the municipality where the Registered Third Party is registered, and a telephone number, mailing address or e-mail address at which the Registered Third Party may be contacted, in order to identify at least one individual responsible for the placing of the Third Party Advertisements including any Election Sign(s).

2.10 Fees & Permits

- (1) Notwithstanding any other By-Law of the City to the contrary, no user fee shall be charged by the City for the administration of this By-Law.
- (2) No permit shall be required in order to place an Election Sign in accordance with this By-Law.

2.11 Exemptions

This By-Law shall not apply to:

- (1) signs placed by the City or the provincial or federal governments to provide information concerning an Election or By-Election or any part of an Election or By-Election process; or
- (2) any road allowances under the jurisdiction of the Ontario Ministry of Transportation. All Elections Signs displayed along any Provincial Highway shall adhere to Provincial Regulations.

Part 3 – Enforcement

3.1 Authority to Enforce

This By-Law may be enforced by a By-Law Enforcement Officer as designated by the City Clerk.

3.2 Obstruction

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, a By-Law Enforcement Officer in the lawful exercise of a power or the performance of a duty under this By-Law.
- (2) Any person who is alleged to have contravened any provision of this By-Law shall identify himself or herself to the By-Law Enforcement Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the officer in the execution the officer's duties.

3.3 Removal of Unlawful Election Signs

- (1) The City reserves the right to remove, without notice or compensation to any person, including the candidate, any Election Sign which is deemed to be a hazard.
- (2) If an Election Sign is in violation of this By-Law but is not causing a hazard, a By-Law Enforcement Officer may issue an Order to the Candidate or Registered Third Party, providing details of the violation and requiring removal or relocation of the unlawful Election Sign within twenty-four (24) hours.

- (3) Any person who has been ordered by a By-Law Enforcement Officer under subsection (2) to remove or relocate an Election Sign shall comply with the Order.
- (4) Notwithstanding subsection (2), where an Election Sign has been placed in contravention of any provision of this By-Law, a By-Law Enforcement Officer may cause the Election Sign to be removed immediately without notice or compensation and / or take any further action as provided within this By-Law.
- (5) On Advance Voting Day and Voting Day, unlawful Election Signs may be removed without notice or compensation by a By-Law Enforcement Officer.
- (6) A By-Law Enforcement Officer that is authorized to enforce the provisions of this By-law may cause a vehicle containing a Vehicle Election Sign that is found in contravention of the provisions of this By-law to be removed or impounded or stored in a suitable place. Removal of the vehicle shall be at the vehicle owner's risk and expense and all such costs and charges for the removal, care and storage, if any, shall be collectable pursuant to the provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c.R.25.
- (7) Any Election Sign that has been removed by the City and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the City without notice and without compensation.

3.4 Offence and Penalty

- (1) Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

3.5 Order

- (1) Where any person contravenes any of the provisions of this By-Law and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court or competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the person convicted.
- (2) Any person who contravenes an Order Prohibiting Continuation or Repetition made under this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided by the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

Part 4 – Coming Into Force

4.1 Coming Into Force

This By-Law shall come into force and effect upon passing.

Read a First Time in Open Council this 30th day of November, 2021.

Read a Second Time in Open Council this 30th day of November, 2021.

Read a Third Time in Open Council and Enacted and Passed this 30th day of November, 2021.

Mayor Allan McDonald

City Clerk Karen McIsaac