



The Corporation of the Town of Orangeville

By-law Number 29-2013

A by-law to regulate election signs

Whereas Section 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws within the spheres of jurisdiction set out therein, including signs;

Be it enacted by the municipal council of The Corporation of the Town of Orangeville as follows:

1. Definitions

“erect, erected, erection” includes the construction, maintenance, display, alteration, placing or relocation of any sign or portion thereof and the posting of notices.

“height” means the distance from the surface of the ground immediately below the election sign to the highest point thereof.

“municipal officer” means a municipal by-law enforcement officer employed by the municipality and authorized to enforce the provisions of this by-law and includes a police officer of the Orangeville Police Service, the Clerk or any other person authorized to enforce this by-law.

“municipality” means The Corporation of the Town of Orangeville.

“owner” means the registered owner of the land upon which a sign is or is to be erected.

“private property” means all property that is not public property.

“public property” means property owned by or under the control of the Town of Orangeville or any of its agencies, boards or commissions. This includes, but is not limited to, highways, road allowances, public utilities facilities, buses, bus shelters, benches, municipal garbage containers or other structures located on a highway. Property owned by the Town of Orangeville and leased to another person or entity shall not be deemed to be public property.

"sign" means any surface supported by a sign structure embedded in the ground to a depth of at least 0.5m, which is not attached to any part of a building and which is used for:

- Advertising or promoting a candidate in a federal, provincial or municipal election, including 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*.

"sign area" means the largest area visible from any direction projected onto a vertical plane of the sign face; if a sign consists of more than one section or module, all areas visible from any direction will be totalled.

"sign structure" means the supports, uprights, bracing and framework of a sign.

"zone" means a zone established in the Town's Zoning By-law, as amended from time to time.

2. General Provisions

- 2.1. No person shall affix, erect or otherwise display a sign except as permitted by this by-law.
- 2.2. Signs are permitted in any zone.
- 2.3. Signs in compliance with this by-law may be erected without a sign permit.

3. Public Property

- 3.1. Signs may be erected on a municipal road allowance subject to the following conditions:
 - 3.1.1. No such sign shall be greater than 1.5 m² in sign area or 2 metres in height; and
 - 3.1.2. No such sign shall impede or interfere with the safe operation of pedestrian or vehicular traffic as determined by the municipality's Director of Public Works.
- 3.2. No signs are permitted to be erected within or on municipal parks or other municipal properties.

4. Private Property

- 4.1. Signs may be erected on private property provided that:
 - 4.1.1. The consent of the owner or occupant is obtained; and

4.1.2. No such sign is greater than 1 m² in sign area or 2 metres in height.

5. Unlawful Removal

No person shall pull down, remove, deface, or cause damage to any sign lawfully erected under this by-law without the consent of the property owner, occupant, political candidate or political party who placed the sign.

6. Maintenance

The candidate to whom the election sign relates shall maintain, or cause to be maintained, such sign and sign structure in a proper state of repair, so that such sign does not become unsafe or unsightly and so that such sign is functioning in a manner as designed at all times.

7. Liability

The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person who erects or any person who causes, permits or allows to be erected any sign from personal injury, including injury resulting in death, or property damage resulting from such sign or from the acts or omissions of such person, or his agents, employees, contractors or subcontractors, in the erection, alteration, repair or removal of any sign erected in accordance with this by-law. Likewise, the provisions of this by-law shall not be construed as imposing on the municipality, council, its officers, employees, or agents, any responsibility or liability whatsoever by reason of the removal of any sign.

8. Severability

If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses and provisions of this by-law shall remain in full force and effect, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

9. Offences and Penalties

Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a penalty not exceeding \$5,000 for each offence, exclusive of costs.

10. Enforcement

Enforcement of this by-law shall be carried out by municipal officers.

11. Effective Date

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

Passed in open council this 11th day of March, 2013



Rob Adams, Mayor



Cheryl Johns, Clerk