

The Corporation of the Town o Grimsby

By-law No. 10-48

Being a By-law to regulate the erection of signs for Federal, Provincial and Municipal Elections.

Whereas the Municipal Act, S.O. 2001, c.25, Section 8 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas the Municipal Act, S.O. 2001, c.25, Section 11(2) provides for the specific spheres of jurisdiction under which the lower and upper tier municipalities may pass by-laws respecting specific matters including matters with respect to signs;

And whereas the powers conferred under Section 8 and 11 shall be exercised by by-law;

And whereas Section 99 specifically sets out the guidelines relating to the passing of by-laws relating to signs and advertising devices;

And whereas the Corporation of the Town of Grimsby deems it expedient to pass a by-law to regulate the erection of signs for Federal, Provincial and Municipal Elections;

And whereas the Regional Municipality of Niagara By-law #2705-80, as amended, provides in part, that where by-laws enacted by area municipalities governing the placing, or prohibition of placing, election signs on public property, the provisions of any by-law of such area municipality will apply to Regional road allowances in that area municipality;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1. In this by-law,
 - a. **"Candidate"** shall mean any person who has met the requirements as set out in applicable law to be declared a candidate for election to a Federal, Provincial or Municipal office.
 - b. **"Election Sign"** means any sign used by a candidate for the purpose of promoting himself or herself for election to a Federal, Provincial or Municipal Office.
2. No permit shall be required for the erection of election signs and such signs may be erected in any zone within the Town.
3. No election signs shall exceed 50 square feet.
4. Election signs may not be erected on private property without the owner's consent.
5. No election sign shall be placed upon any tree, post, pole or fence on any Municipal property or any property under the jurisdiction of the

Municipality, nor on any highway under the jurisdiction of the Municipality, nor on any regional highway within the geographic jurisdiction of the Municipality.

6. Election signs for a municipal election or by-election shall
 - a. Not to be erected until the candidate has submitted their nomination papers to the Clerk of the Municipality.
 - b. Not be erected or displayed for a federal or provincial election until the day that the writ of election is issued.
 - c. Despite Sections 6.a and 6.b, elections signs may be erected on campaign headquarters once the candidate has filed his or her nomination papers and paid the required filing fee. For the purpose of this Section, a candidate may designate only one building or part thereof in the municipality as his/her headquarters at any one time and must advise the Clerk, in writing, of the address of his/her headquarters prior to erecting the signs authorized by this Section.
 - d. Every candidate shall ensure that election signs are removed within forty eight (48) hours after the day of the election. Where a candidate fails to remove election signs in accordance with this Section, the Municipality may remove and dispose of the signs at the candidate's expense and recover the costs of removing election signs by legal action or by adding the cost to the tax roll and collecting them in the same manner as taxes.
7. No election signs shall be placed upon any property upon which a voting place is situated during the hours of the poll and voting place shall include the real property on which the voting place is located and adjacent road allowances.
8. Every person who contravenes a provision of this By-law is guilty of an offence and liable to a fine of up to \$5,000.00.

Read a first time this 21st day of June 2010.

Read a second and third time and finally passed this 21st day of June 2010.



R.N. Bentley, Mayor



H. Soady-Easton, Town Clerk

Schedule A to By-law 10-48

Enforcement

1. Election signs may be removed and disposed of immediately by the Municipal By-law Enforcement Officer, or municipal operations staff at the direction of the Clerk, if it is determined that the location of the election sign is;
 - (a) located in/on a municipal building;
 - (b) erected earlier than the period(s) mention in Section 6 of this By-law;
 - (c) impeding the necessary sight lines of motorists or pedestrians;
 - (d) hindering the daily operation of the Town Public Works Department;
 - (e) hindering access to a private drive;
 - (f) located on the property of a voting place during the voting hours of an Election or;
 - (g) remaining posted longer than forty-eight (48) hours following the corresponding election.

2. The cost of removal and disposal shall be charged back to the owner of the signs at a charge of \$25.00 per sign should the candidate wish to claim their sign(s).

3. Candidates shall be responsible for the compliance with signage by-laws and regulations of the Town of Grimsby, Regional Municipality of Niagara and the Province of Ontario (including the Ministry of Transportation), as the case may be.