

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 8998-2017

*BY-LAW TO ADOPT AN ELECTION SIGNAGE POLICY
FOR
THE TOWN OF SMITHS FALLS*

WHEREAS Section 8 of the Municipal Act, SO 2001, as amended 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 Section 9 of the Municipal Act, SO 2001, as amended provides that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 12 of the Municipal Act, 1996 states that a Clerk who is responsible for conducting an election may provide any matter or procedures that is not otherwise provided for in an Act or regulation, and, in the Clerk's opinion, necessary or desirable for conducting the election;

AND WHEREAS this policy addresses candidate advertising and election materials in the Town of Smiths Falls.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. THAT the Election Signage Policy attached as "Schedule A" forming part of this by-law is hereby adopted.
2. THAT this by-law shall take effect on the date of its passing.

Read a first and second time this 18th day of December, 2017

Read a third time and passed this 18th day of December, 2017



Mayor



Clerk



POLICY STATEMENT

This policy is intended to address candidate advertising and election materials in the Town of Smiths Falls. This policy is intended as a formalization of the municipal elections legislation, as well as the clarification of specific municipal procedures. Nothing in this policy supersedes the Municipal Elections Act, 1996, RSO, as amended.

PURPOSE

The purpose of this policy is to provide candidates, third parties, staff and the public with guidance related to campaign election materials and advertisement in municipal elections.

LEGISLATIVE AUTHORITY

Section 12 of the Municipal Elections Act, 1996 states that a Clerk who is responsible for conducting an election may provide for any matter or procedures that is not otherwise provided for in an Act or regulation, and, in the Clerk's opinion, necessary or desirable for conducting the election.

APPLICATION

This policy is applicable to all candidates during the campaign period, including members of Council, as well as acclaimed members or members not seeking re-election.

This policy is also applicable to "Third Party Advertisers" registered in the Town of Smiths Falls.

Additionally, this policy is applicable to some municipal employees.

DEFINITIONS

"Municipality" – Town of Smiths Falls

"Third party advertiser" – Shall be the same definition as in the Municipal Elections Act, 1996,

"Election Campaign Advertisement" – shall be the same definition as in the Municipal Elections Act, 1996, Section 88.3(1) as amended – "means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate" this definition includes 'campaign materials'

"Election Sign" means any sign advertising or promoting the election of candidates.

"Campaign materials" – shall mean any information, posters and signage relating to a candidate or political party made available to the public

GENERAL PROVISIONS

Candidate Campaign Materials – General and Locations

- a) No permit or permit fee shall be required for any poster or sign of a candidate or cause in a Municipal, Provincial or Federal election
- b) Campaign materials, including general campaigning, are permitted no earlier than the filing of Nomination Papers by the candidate. No election sign (s) shall be erected or displayed prior to the issuance of writs for a provincial or federal election, or until the close of nominations for a municipal election.
- c) No campaign material shall be permitted on municipal property, whether owned or leased, with the only exception being along municipal road allowances, this includes but is not limited to the following locations:
 - 1.0 No campaign materials in/on municipal parks, community centres, vacant lands, municipal facilities or structures etc.
 - 2.0 No election signage shall be placed on a public sidewalk or in such other location on, over or near a sidewalk so as to interfere with or obstruct normal pedestrian traffic.
 - 3.0 No election signs shall be attached to any object or structure that is located within the limits of the road allowance, including but not limited to a utility pole, light standard, traffic control sign or signal, guardrail or other form of traffic safety structure or facility, bridge, trestle, hydrant, fence or tree.
 - 4.0 No election sign shall be located on a median or island installed within the highway.
 - 5.0 No election sign shall be erected at/in a voting place.
 - 6.0 No sign or advertising device shall be placed upon the roof of any building.
 - 7.0 No sign or advertising device shall be attached to or placed upon any building in such manner as to obstruct any fire escape or to interfere in any way with the work of the Fire Department, in case of fire.
 - 8.0 No sign or advertising device shall be erected so as to interfere with the site triangle at intersecting streets.
 - 9.0 No sign or advertising device, except portable signs and sandwich board signs in accordance with Section 6, shall be erected so as to extend over publicly owned lands beyond the limits specified herein.
 - 10.0 No banner, stringer or advertising device shall be suspended across any street without the prior approval of the Town of Smiths Falls. A banner displayed on the face for a building, fence or other structure shall be considered in a like manner as a fascia sign provided the fee may be pro-rated subject to the minimum, by the Chief Building Official.

- d) Campaign materials shall be permitted along municipal road allowances provided the following exceptions are respected:
 - 1.0 No campaign materials allowed on the road allowances outside municipal facilities
 - 2.0 The visibility of intersections or private entrances is not obstructed and does not create a safety hazard
 - 3.0 The campaign material is of sufficient material and/or proper installation that weather conditions will not displace the material and create a safety hazard
- e) Campaign materials that will be installed along provincial or county roads will require the permission of the respective approval authority
- f) Campaign materials that will be installed or affixed to poles belonging to Hydro One Network, Bell Canada or other public utilities will require the permission of these respective approving authorities.
- g) Signs shall not exceed 39 sq. ft. in area.
- h) Election signs shall be removed within one week following the election (a \$50 Set fine can be laid).
- i) Section 5 of the Municipal Sign Bylaw must be adhered to (General Provisions).

Candidate Campaign Advertising

- j) In accordance with the Municipal Elections Act, 1996, as amended, an election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate
- k) The candidate shall ensure that all campaign material(s) are produced in accordance with the Municipal Elections Act, 1996, as amended
- l) Information contained on/in all campaign material is the responsibility of the Candidate, and any questions or concerns related to the same should be directed to the Candidate

Third Party Advertising

- m) In accordance with the Municipal Elections Act, registered 'third parties' may create campaign advertising in the municipal election

- n) Third parties shall be registered within the Town of Smiths Falls in order to advertise, distribute or display material related to the municipal elections
- o) The third party shall ensure that all materials are produced in accordance with the Municipal Elections Act, 1996, as amended
- p) Third parties shall provide the following in any campaign advertisement:
 - 1.0 Name of the registered party, the municipality where the third party is registered and a contact number

ENFORCEMENT

The municipality, employees or agents shall not be responsible for investigating or prosecuting for any acts of vandalism to the campaign materials of the candidates. If it is determined by the Chief Building Official and/or By-law Enforcement Officer that an election sign is posing a safety risk, the sign is removed immediately.

Should any campaign materials be located on municipally owned property or be located on municipally owned road allowances which do not comply to the provisions of this policy, the same shall be removed forthwith and destroyed.

Should any campaign materials be non-compliant with the Municipal Elections Act, or this policy, the same shall be removed forthwith and destroyed. Questions or concerns about campaign materials shall be forwarded to the candidate. Complaints regarding non-compliance should be forwarded to By-law Enforcement in writing. The municipality or its agents and employees shall not be responsible for the proactive enforcement of this policy. If a breach of the policy is confirmed, the Member or Candidate will be subject to any penalty provisions under the *Act*.