

City of Kingston

Ontario

By-Law Number 2014-16

A By-law To Regulate Election Signs In The City of Kingston

Passed: December 17, 2013

Updated: March 20, 2018

Amending By-Laws:

By-law Number	Date Passed
2018-57	March 20, 2018

(Office Consolidation)

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Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 99, gives the Council of The Corporation of the City of Kingston, the authority to pass by-laws with respect to the regulation of signs within the municipality;

And Whereas in accordance with the City of Kingston's Public Notice Policy, a public notice advising that Council would consider changes to the Election Signs By-law, 2000-293, was published in the Kingston Whig Standard on December 3, 2013, and posted to the City's website, two weeks prior to the matter first being dealt with at Council;

And Whereas the Council of The Corporation of the City of Kingston considers it desirable to enact such a by-law;

1. Definitions:

In this by-law the following terms shall have the meaning indicated:

- (a) **"Candidate"** means a person who is running or has expressed an intention to run in a municipal, provincial or federal election, and shall be deemed to include a person seeking to influence other 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*.
- (b) **"Sight Triangle"** means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 15 metres from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- (c) **"Election Sign"** means any sign:
 - (i) advertising or promoting a candidate in a federal, provincial or municipal election, including an election of a local board or commission.
 - (ii) 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*;

- (d) “**median**” means the portion of a highway that separates traffic travelling in one direction from traffic traveling in the opposite direction by means of a physical barrier or a paved or unpaved separation area that is not intended to allow crossing vehicular movement.
- (e) “**Public Property**” means property owned by or under the control of the City of Kingston, any of its agencies, boards or commissions, including highways, boulevards and road allowances, and shall be deemed to include public utilities facilities, regardless of whether the 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 highway regardless of whether the shelters, containers or structures are owned by the City. Property owned by the City and leased to another person or entity shall not be deemed to be public property.
- (f) “**Public Utility Pole**” means a pole owned or controlled by an entity which provides a municipal or public utility service, including but not limited to the City of Kingston, Kingston Hydro Corporation, Bell Canada, On Source, Hydro One;
- (g) “**Registered Third Party**” means an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act, 1996*;
- (h) “**Road Allowance**” means the allowance for a public road and includes the traveled and untraveled portions of the road allowance, the road shoulders, ditches, boulevards and sidewalks.
- (i) “**Third Party Election Sign**” means any Election Sign which has been erected or displayed without the authorization, direction or involvement of a Candidate;
- (j) “**Vehicle**” means a motor vehicle, trailer, traction engine, farm tractor, machine used for road construction or maintenance, bicycle, and any other vehicle drawn, propelled, or driven by any kind of power, including muscular power;
- (k) “**Voting Place**” means the entire property and all the boundaries associated with it, when such voting place is located within a public premises and shall mean all of the common elements when the voting place is located on private premises.

(By-Law Number 2014-16; 2018-57)

2. No person shall locate erect, post, place or otherwise display an election sign within the limits of any road allowance within the limits of the City of Kingston, except in accordance with this by-law.

3. **Timing of the Erection of Election Signs**

No election sign shall be erected or displayed prior to the issuance of writs for a provincial or federal election, or prior to thirty (30) days immediately preceding the day of a municipal election.

(By-Law Number 2014-16; 2018-57)

4. **Highways under Provincial Jurisdiction**

Despite clause 2, this by-law shall not apply to any road allowances under the jurisdiction of the Ministry of Transportation including without limitation:

- (a) Highway 401;
- (b) Highway 33 from Collins Bay Road to Coronation Boulevard; and
- (c) Highway 15 north of Highway 401

5. **No Sign Permit, No Permit Fee**

Despite any other by-law of the municipality to the contrary, no fee shall be charged by the municipality and no permit shall be required in order to post an election sign in accordance with this by-law.

6. **Set Back from Traveled Portion of Road Allowance**

No election sign shall be located within 2 metres (6.5 feet) of the traveled portion of a road allowance.

7. **Sight Triangle – Road Allowance**

No election sign shall be located within a sight triangle, as defined in this by-law.

8. **Election Sign Placement – Restrictions**

Except as expressly permitted by this by-law, no election sign shall be located, erected, posted, placed or otherwise displayed on the following;

- (a) No election sign 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; and
- (b) No election sign shall be attached to any object or structure that is located within the limits of a 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; and
- (c) No election sign shall be located on a median or island installed within the highway; and
- (d) No election sign shall be erected in a voting place; and

- (e) No election sign shall be placed on public property.
- (f) No election sign shall be visible in or on a vehicle that is parked on, or within 50 metres (measured from the nearest property line) of the property of any premise used as a Voting Place on any election Voting Day, including Advance Voting Days.

(By-Law Number 2014-16; 2018-57)

9. Third Party Election Signs

- (a) Third party advertisers shall be required to register with the City Clerk prior to the display of Election Signs.
- (b) Third Party election Signs shall contain valid and up-to-date contact information, including the name of the registered third party, the municipality where the third party is registered, and a telephone number, mailing address or email address at which the registered third party may be contacted, in order to identify at least one individual responsible for the display of the sign.
- (c) Third Party Election Signs displayed by third party advertisers shall comply with the City's regulations respecting Election Signs.

10. Removal of Election Signs Placed on Restricted Areas

Where an election sign has been affixed, erected or otherwise displayed in contravention of any provision of this by-law, or where an election sign located on or over municipal property interferes with municipal or public utility services, a Provincial Offences Officer or any other individual designated by the City Clerk may cause the sign to be removed immediately without notice and/or take any further action as provided within this by-law.

11. Removal of Election Signs

All Election Signs shall be removed within ninety-six (96) hours (four (4) days) of the day on which the election is held.

(By-Law Number 2014-16; 2018-57)

12. Offences

- (a) Any person who contravenes the provisions set forth in this by-law is guilty of an offence, and upon conviction, is subject to a fine as provided for in the *Provincial Offences Act* and to any applicable penalties.
- (b) No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.

13. Severability Clause

Where a court of competent jurisdiction declares any section or part of a section of the by-law invalid, it is the intention of Council that the remainder of the by-law shall continue in force unless the court makes an order to the contrary.

14. Effective Date

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