



# 2018 Municipal Election Bulletin Number 3 Election Campaign Signs Placement of Signs on Public Property

**Note:** 2018 Municipal Election Bulletins will be issued periodically by the Election Office to provide important information for Electors, Candidates and Third Party Advertisers. For the latest information regarding the 2018 Municipal Election, please check the City's Elections webpage ([www.cityofkingston.ca/elections](http://www.cityofkingston.ca/elections)).

## Placement of Election Campaign Signs on Public Property

The purpose of this Bulletin is to provide Municipal and School Board Candidates and Third Party Advertisers, as well as the general public, clarification with respect to the placement of Election Campaign Signs on public property.

## City of Kingston By-law Number 2014-16, as amended, A By-law To Regulate Election Signs in the City of Kingston

### Important Definitions

**“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.

**“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.

**“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.

**“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.

### Important Sections

#### Section 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.

### **Section 7 Sight Triangle – Road Allowance**

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

### **Section 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.

### **Section 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.

## **Interpretation of Election Signs By-law Provisions**

The following information and diagrams are intended to clarify the City's interpretation of the Election Signs By-law with respect to the placement of Election Campaign Signs.

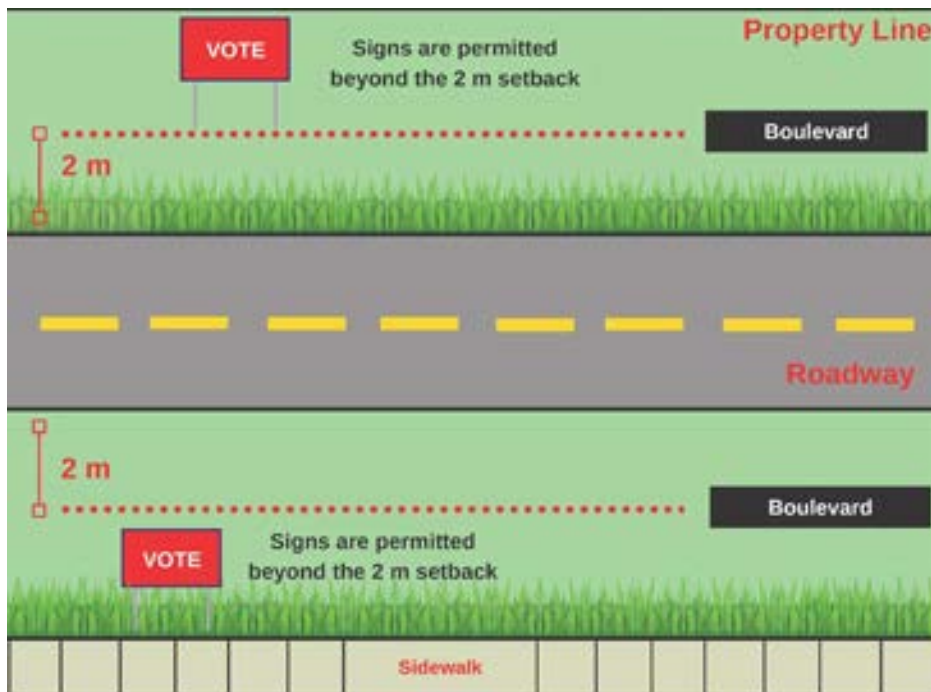
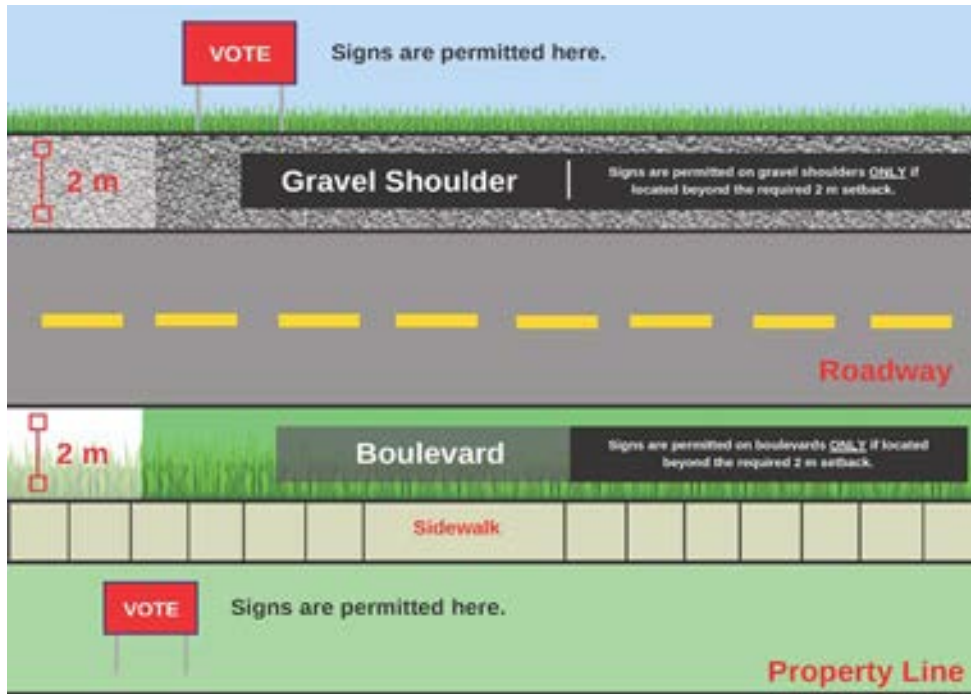
While Section 8 (e) generally prohibits the placement of Election Campaign Signs on public property, it does **NOT** preclude the placement of Election Campaign Signs in accordance with Section 6. Section 6 expressly **PERMITS** the placement of Election Campaign Signs within the boulevard of a road allowance, provided the signs are not closer than 2 metres (6.5 feet) from the travelled portion of the roadway.

The following diagrams show the permitted location of Election Campaign Signs in the boulevard of a road allowance:

- The Election Campaign Signs **MUST** be located at least 2.0 metres or 6.5 feet from the travelled portion of the roadway;

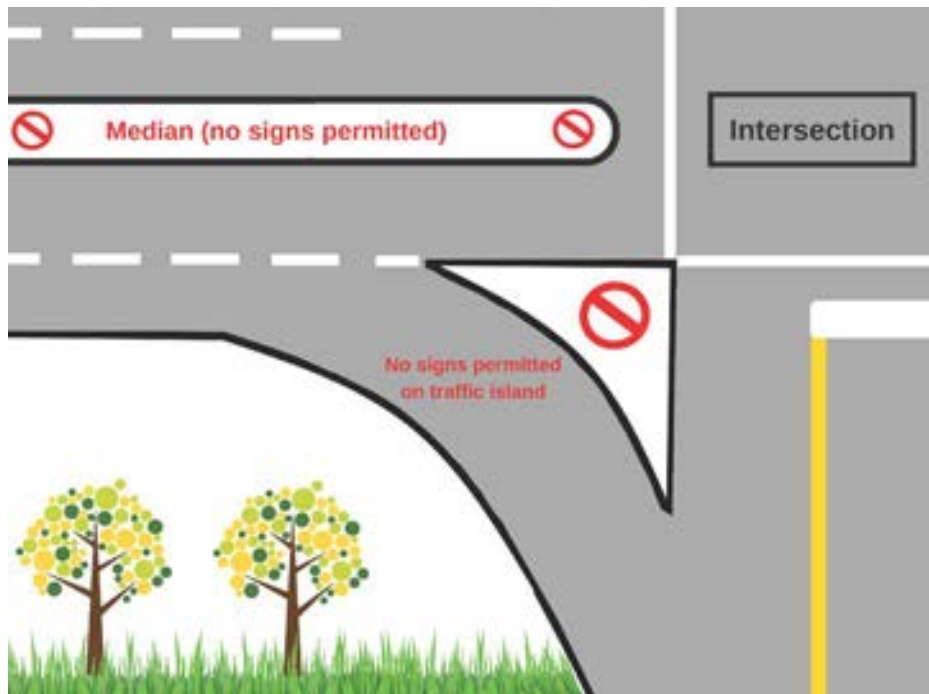
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- If there is a sidewalk, there must be at least 2.0 metres **PLUS** the width of the Election Campaign Sign between the travelled portion of the roadway and the sidewalk. Otherwise, the sign would only be permitted on the opposite side of the sidewalk.
- Election Campaign Signs are **NOT** permitted to overhang the sidewalk, or be located on or near the sidewalk in any manner that may obstruct the normal flow of pedestrian traffic.

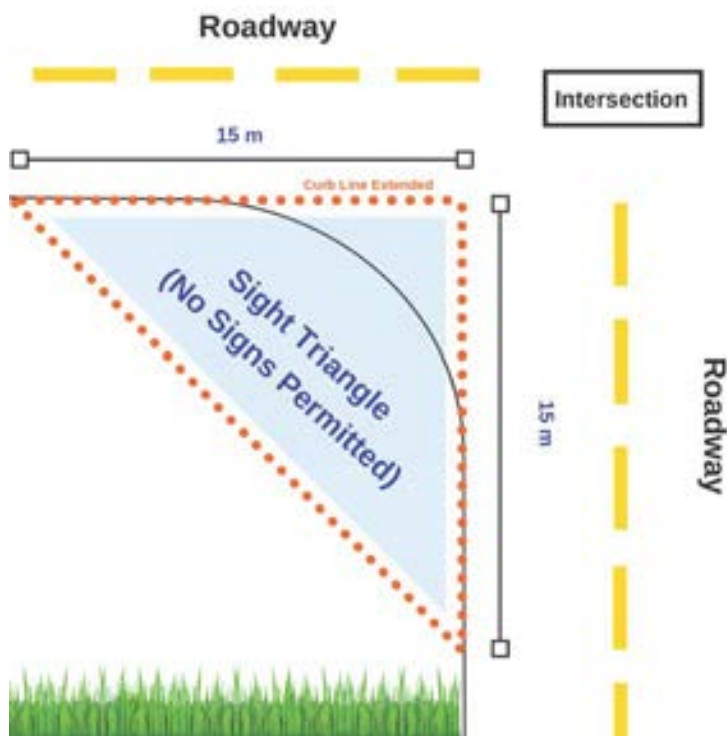


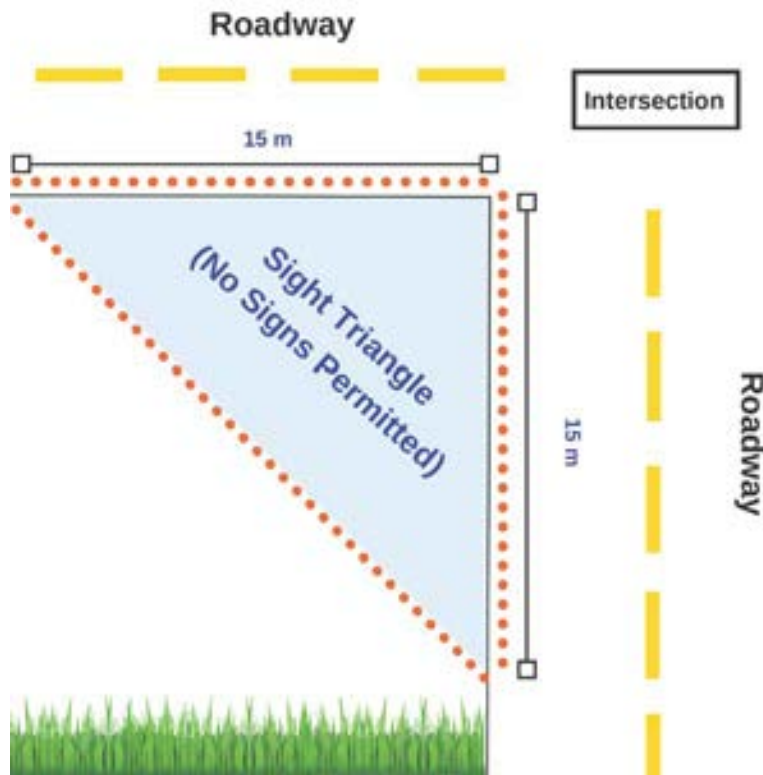
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- Election Campaign Signs are **NOT** permitted in any median or traffic island located within the road allowance;



- Election Campaign Signs are **NOT** permitted in any sight triangle.





Candidates, Third Party Advertisers and members of the public are encouraged to read the Election Signs By-law in its entirety and share this information with their Campaign Teams..

## Enforcement Matters

Pursuant to Section 88.7 of the *Municipal Elections Act* and Section 10 of the City's Election Signs By-law, the City is authorized to remove any Election Campaign Signs that contravene the identification information requirements or any other provision of the Act or the Election Signs By-law. A Provincial Offences Officer or any other individual designated by the City Clerk may remove the Election Campaign Sign(s) without notice.

The below procedure will be followed for Election Campaign Signs that are not in compliance with the By-law:

1. An Enforcement Officer will record the details of non-compliance. An Enforcement Officer will attend the location to take photos and/or confirm whether the Election Campaign Sign(s) in question is in compliance. If it is determined that the Election Campaign Sign is not in compliance the Officer will determine whether the Sign is a safety hazard.
2. If the Election Campaign Sign is determined to be a safety hazard to motorists and/or pedestrians by blocking sightlines or is placed on a median or island, the Officer will remove the Sign and place it down on the ground. Officers will notify the Candidate or Third Party Advertiser via email or telephone call.

3. If the Election Campaign Sign is in violation but not causing a safety hazard, the Officer will provide the Candidate or Third Party Advertiser with details of the non-compliance via e-mail or telephone and advise the Candidate or Third Party Advertiser that they have 24 hours to attend and remove or relocate the Sign to a location that is in compliance with the By-law.
4. After 24 hours, the Officer will re-attend to determine whether the Election Campaign Sign has been removed or relocated to a location that is in compliance with the By-law. If so, the matter is complete.
5. If the Election Campaign Sign still remains, the Officer will email or telephone the Candidate or Third Party Advertiser to advise that the Sign has not been removed within the aforementioned 24 hours and will provide an additional 12 hours to remove or relocate the sign. The Officer will re-attend in 12 hours.
6. If, after the additional 12 hours, the Election Campaign Sign is still in place the Officer will remove the Sign, deliver it to City Hall and notify the Supervisor, Licensing & Enforcement, the Elections Office and the Candidate or Third Party Advertiser. The Candidate or Third Party Advertiser may make arrangements through the Elections Office to pick up their sign.
7. The Supervisor, Licensing & Enforcement will monitor and communicate with Candidates or Third Party Advertisers who reach non-compliance to create a plan to avoid any future non-compliance.

## **Timing for the Placement of Campaign Signs**

Candidates and Third Party Advertisers are reminded that Election Campaign Signs may not be erected or displayed prior to thirty (30) days immediately preceding the municipal election, i.e. the earliest date to erect or display Election Campaign Signs is **September 22, 2018**.

## **Further Information**

If you require further information regarding the content of this Bulletin please contact:

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