

CITY OF NIAGARA FALLS

By-law No. 2006 - 160

A by-law to regulate the placement of election signs in the City of Niagara Falls.

WHEREAS Section 11(1) of the *Municipal Act, S.O. 2001* as amended, states that a municipality may pass by-laws respecting structure including fences and signs;

AND WHEREAS Section 99(3) of the *Municipal Act, S.O. 2001* as amended, provides that the municipality may enter land and remove signs at the expense of the owner of the sign if it is erected or displayed in contravention to this by-law;

AND WHEREAS Section 99(1) of the *Municipal Act, S.O. 2001* as amended, states that a municipality shall give notice of its intention to pass the by-law;

AND WHEREAS Notice of the proposed by-law has been published in the local newspaper as per By-law No. 2003-02, a by-law to establish procedures for the giving of notice.

AND WHEREAS the Council of the City of Niagara Falls deems it to be in its interest and for reasons of public safety to enact a by-law to regulate the placement of election signs;

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. **Definitions**

“Election sign” shall mean any sign advertising or promoting a candidate in a federal, provincial or municipal election or by-election, with the exception of billboard signs.

“Billboard” means an outdoor sign erected and maintained by a person, company, or business engaged in the sale or rental of the space on the sign to a clientele. The space on the sign advertises goods, products, services, or facilities not available on the property where the sign is located.

2. **General**

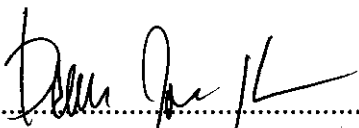
1) No person shall erect, install, use or permit the erection, installation or use of an election sign within the City of Niagara Falls forty-five (45) days immediately prior to Election Day.

I) Notwithstanding the above, election signs associated with a federal or provincial election shall not be erected or installed earlier than the official date of notice of the date of voting for any federal or provincial election, with the exception of signage at a single campaign headquarters per candidate.

- ii) Election signs associated with a municipal election shall not be erected or installed earlier than Nomination Day, as defined by the Municipal Elections Act, in a municipal election year, with the exception of signage at a single campaign headquarters per candidate.
- 2) Election signs shall not be placed on any municipal properties including but not limited to:
 - I) City Hall
 - ii) Any of the 6 City Fire Stations
 - iii) All Municipal Parks
 - iv) The MacBain Community Centre
 - v) The City's Service Centre and yards on Stanley Avenue
 - vi) All municipal road allowances including medians, traffic islands or centre boulevards
- 3) Election signs shall not be permitted on the property of an voting place (polling station) used for a municipal election or on the road allowances immediately adjacent to such a voting place.
- 4) Election signs shall not be placed/fixed to any building owned, leased or operated by the City of Niagara Falls, with the exception of lands used as, or in connection with, a residence.
- 5) Election signs shall not:
 - I) be attached to trees;
 - ii) have flashing lights or rotating parts;
 - iii) be illuminated; or
 - iv) simulate any traffic control device.
- 6) Election signs may be placed on private property, with the owner or occupant's permission, provided that the signs are:
 - I) a minimum of three (3) metres away from the edge of a curb, the edge of a travelled road, or the shoulder of a highway;
 - ii) not within one (1) metre of a sidewalk;
- 7) Candidates shall insure that all of their signs are removed no later than forty-eight (48) hours following the close of the Voting Places on Election Day.

- 8) Election signs may be removed and disposed of by any municipal staff person of the City of Niagara Falls or designate as appointed from time to time by the City Clerk, if it is determined that the location of the election sign is;
- i) located on municipal property
 - ii) erected earlier than the period(s) mentioned in section 1(2) of this by-law
 - iii) impeding the necessary sight lines of motorists or pedestrians
 - iv) hindering the municipality's snowplough operations
 - v) hindering access to a private drive
 - vi) located on the property of a voting place during the voting hours of a Municipal Election
 - vii) remaining posted longer than 48 hours following the corresponding election
- 9) The cost of such removal and disposal shall be charged back to the owner of the signs at a charge of \$50.00 per sign should the candidate wish to claim their sign(s).
- 10) Candidates shall be responsible for the compliance with signage by-laws and regulations of the City of Niagara Falls, Regional Municipality of Niagara and the Province of Ontario (including the Ministry of Transportation), as the case may be.
3. Notwithstanding the requirements of any other by-law, no sign permit is required for an election sign.
4. This By-law shall come into full force and effect immediately upon its passage.

Passed this twenty-first day of August, 2006.


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DEAN IORFIDA, CITY CLERK


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R.T. (TED) SALCI, MAYOR

First Reading: August 21, 2006.
Second Reading: August 21, 2006.
Third Reading: August 21, 2006.