

CITY OF NIAGARA FALLS

By-law No. 2022 – 41

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

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 *Municipal Act, S.O., 2001, c.25*, Section 11(3) 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 the *Municipal Act, S.O. 2001, c.25*, Section 8 and 11 shall be exercised by by-law;

AND WHEREAS *Municipal Act, S.O. 2001, c.25*, Section 99 specifically sets out the guidelines related to the passing of by-laws relating to signs and advertising devices;

AND WHEREAS pursuant to Section 63 of the *Municipal Act, S.O. 2001, c. 25*, provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

AND WHEREAS the Corporation of the City of Niagara Falls deems it expedient to pass a by-law to regulate the erection of signs for federal, provincial and municipal elections;

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

1. Definitions

“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.

“Campaign Office” shall mean a building or structure, or part of a building or structure, used by a Candidate to conduct an election campaign;

“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*.

“City” means the Corporation of the City of Niagara Falls;

“City Clerk”, means the City Clerk for the City of Niagara Falls, or his or her designate;

“Election sign” shall mean any sign that is single-sided or double-sided, with the exception of a billboard, advertising or promoting, supporting, opposing or taking a position with respect to:

- i) A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, the Municipal Elections Act, or any other legislation;
- ii) An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act; or
- iii) A Candidate, Third Party or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act;

“Private Property” means real property that is not a Highway or Public Property.

“Public Property” means real property owned or under the control of the City of Niagara Falls, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of the by-law, does not include a Highway or real property where one or more persons reside;

“Registered Third Party” shall mean, an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*;

“Roadway” means part of a Highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders, curbs, gutters and rights of way;

“Third Party Advertisement” shall mean an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a candidate or a ‘yes’ or ‘no’ answer to a question referred to in subsection 8 (1), (2) or (3) of the *Municipal Elections Act, 1996* and has been erected or displayed without the authorization, direction or involvement of a Candidate;

“Voting Place” shall mean a place where electors cast their ballots as approved by the Federal, Provincial, or Municipal Election Official(s) and shall include the real property on which the voting place is located and adjacent road allowances;

2. General

2.1 The intent of this by-law is to regulate and govern the placement of temporary lawn signs used for election purposes. No person shall place or permit to be placed an Election Sign except in accordance to this by-law.

2.2 Election signs shall not be placed on any municipal properties including but not limited to:

- a) City Hall
- b) Any of the City's Fire Stations
- c) All Municipal Parks
- d) The MacBain Community Centre
- e) The Gale Centre
- fi) The City's Service Centre and yards on Stanley Avenue
- g) All municipal road allowances including medians, traffic islands or centre boulevards

2.3 No person shall place or permit to be placed an Election Sign that:

- a) Is illuminated;
- b) Has flashing lights or rotating parts;
- c) Does not contain the name and contact information of the Election Sign owner if posted by a registered Third Party Advertiser for use in a municipal election;
- d) Obstructs or interferes with the safe operation of vehicular traffic or the safety of pedestrians;
- e) Obstructs or interferes with the visibility of any traffic sign or device;
- f) Obstructs or impedes the City of Niagara Falls maintenance operations;
- g) Constitutes a danger or hazard to the general public;
- h) Is attached in any manner to a building or structure, other than a fence, with the exception of the candidate's campaign headquarters.

2.4 The City Clerk and/or his designate(s) and/or Enforcement Services staff may remove any Election Sign erected in contravention of this by-law without notice.

2.5 No person shall display on any election sign or election advertising, a logo, trademark, official mark, or crest, in whole or in part, owned by the City of Niagara Falls.

2.6 Election signs may be placed on private property, including fences, with the owner or occupant's permission, provided that the signs are;

- a) 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;
- b) not within one (1) metre of a sidewalk;
- c) not within one (1) metre of another previously erected election sign;
- d) not on the property of a voting location being used in an election

2.7 Notwithstanding the requirements of any other by-law, no sign permit is required for an election sign.

2.8 Third Party advertisers shall:

- a) be required to register (using Form 7) with the City Clerk prior to the display or placing of any Election Signs.
- b) 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.

2.9 Election signs on private property

- a) Only one Election Sign per Candidate will be allowed per Private Property unless the Private Property consists of multiple residential properties, then the one Election Sign per Candidate per unit will be allowed, providing that the Signs are a minimum of 1 metre apart.
- b) Only one Election Sign per Candidate per 500 metres of frontage is allowed for commercial/industrial properties.
- c) No Owner shall place or permit to be placed an Election Sign on private property without the property owner's or an occupant's consent.

2.10 This By-law shall not apply to signs placed by the City or the Provincial or Federal governments to provide information concerning an Election or By-Election or any part of an Election or By-Election process.

2.11 No person shall deface or willfully cause damage to an Election Sign.

3. Time Restrictions

- 3.1 No person shall place or permit to be placed an Election Sign for a Federal or Provincial election or by-election earlier than the day the Writ of Election or by-election is dropped.
- 3.2 No person shall place or permit to be placed an Election Sign for a Municipal Election earlier than 45 days prior to voting day.
- 3.3 Notwithstanding section 3.1 and 3.2 of this by-law, election signs may be erected at a campaign office once the candidate has filed his or her nomination papers and paid the required filing fee.
- 3.4 Election signs shall be removed by the respective Candidate, Candidate representative, or Third Party Advertiser within forty-eight (48) hours immediately following 11:59 p.m. of the day of the election.

4. Election Signs on Public Property

4.1 No person shall place or permit to be placed an Election Sign on Public Property including:

- a) On a roadway;
- b) That impedes or obstructs the passage of pedestrians on a sidewalk;
- c) Between a roadway and a sidewalk;
- d) In a median strip;
- e) In a sight triangle;
- f) On any official sign or official sign structure;
- g) On a tree, post, pole, gate or fence located on public property owned and/or under the jurisdiction of the City;
- h) On or overhanging any property owned and / or under the jurisdiction of the City;
- i) On or within a vehicle parked within 50 metres (164 feet) of a voting place;
- j) On a utility pole or light standard.

4.2 Election candidates and/or registered third parties shall be responsible for compliance with the signage by-laws and regulations of the Regional Municipality of Niagara and Province of Ontario as the case may be.

5. Removal and Return of Election Signs – Powers of the City Clerk

5.1 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

5.2 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).

5.3 The City Clerk or their designate may destroy, or permit to be destroyed, or dispose of any Election Sign which has been removed and not claimed or retrieved by the Owner or their representative within ten (10) business days from it being removed by the City.

6. Penalty

6.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33.

7. Force and Effect

7.1 That, By-law 2018-48 be hereby repealed.

7.2 That, this By-law shall come into force and effect upon the date of passing.

**Read a First, Second and Third time;
Passed, signed and sealed in open Council this 12th day of April, 2022.**

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR