

Municipality of Lakeshore

By-law 46-2022

Being a By-law to amend By-law 107-2007 being a by-law to Regulate the Erection of Signs, Other Advertising Deices and the Posting of Notices within the Town of Lakeshore in order to amend the election sign regulations

Whereas subsection 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas subsections 11(2) and (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Services and things that the municipality is authorized to provide under subsection (1); Protection of persons and property, including consumer protection; and Structures, including fences and signs;

And whereas section 446 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

And whereas *By-law 107-2007 being a by-law to Regulate the Erection of Signs, Other Advertising Deices and the Posting of Notices within the Town of Lakeshore* regulates signs in the Municipality of Lakeshore;

And whereas, By-law 107-2007 was amended by By-law 7-2015;

And whereas, it is deemed necessary to ensure that the Municipality's election sign regulations are consistent with election legislation and are clear as to regulation of election signs on public and privacy property, all as recommended by the Clerk at the April 26, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. By-law 107-2007 is amended as follows:
 - a. The terms "Town of Lakeshore" and the "Corporation of the Town of Lakeshore" are repealed and replaced with "Municipality of Lakeshore".
 - b. The term "Town" when used on its own without "of Lakeshore" shall be repealed and replaced with "Municipality".

2. Section 1 of By-law 107-2007 is repealed and replaced with the following:

“1. In this by-law:

“**Animated Sign**” means any sign that includes action or motion of all or any part of a sign and includes a sign containing intermittent or flashing light source.

“**Applicable Election Legislation**” means:

(a) with respect to federal election means the *Canada Elections Act*,

(b) with respect to provincial election means the *Election Act* (Ontario) and *Election Finances Act*, R.S.O. 1990, c. E.7, and

(c) with respect to a municipal election means the *Municipal Elections Act*, 1996.

“**Approved**” means approved by the Chief Building Official.

“**Area of the Sign**” means the number of square feet on the face of a Sign including the border and frame, if any. In the case of a projecting or double faced Sign, the Area is the area of the surface of one side of the Sign face.

“**Average Finished Grade**” means the average elevation of the finished ground immediately beneath the Sign or proposed Sign.

“**Boulevard**” means all parts of the Highway save and except any roadway, shoulder, driveway or sidewalk and

“**Outer Boulevard**” means such portions of the Highway lying between any sidewalk and the roadway or the shoulder where such exists;

“**Inner Boulevard**” means such portion of the Highway lying between the lateral boundary and the sidewalk and where there is no sidewalk it means that portion of the Highway lying between the lateral boundary and the roadway or the shoulder where such exists.

“**Chief Building Official**” means a person designated as such by Council.

“**Campaign Period**” means:

(a) in the case of a regular election pursuant to the *Municipal Elections Act*, 1996, the period between the first available day on which a nomination may be filed with the Clerk and Voting Day in the year of a regular election;

- (b) in the case of a by-election pursuant to the *Municipal Elections Act, 1996*, the period between the first available day on which a nomination may be filed with the Clerk and Voting Day; and,
- (c) in the case of a federal or provincial election, the period between the issue of a Writ of Election and Voting Day as defined by the Applicable Election Legislation.

"Canada Elections Act" means the *Canada Elections Act*, S.C. 2000, c.9.

"Clerk" means the municipal clerk designated by the Council.

"Council" means the Council of the Municipality of Lakeshore.

"Dwelling" means a building or other structure used for human habitation.

"Elections Act (Ontario)" means *Elections Act*, R.S.O. 1990, c.E.6;

"Erect" means to attach, build, construct or reconstruct, enlarge, locate or relocate any Sign, to paint a Wall Sign or to maintain any Sign but does not include changes to the letters, numerals, symbols, graphics, characters, logos, colours, designs, textures or objects on any approved Sign face.

"Height of the Sign" means the vertical distance from the average finished grade to the highest extremity of the Sign including the border or frame and supporting structure, if any.

"Highway" includes a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, and **"MTO Highway"** means a Highway under the jurisdiction of the Ministry of Transportation of Ontario.

"Island" means a portion of a Highway so constructed as to separate or direct vehicular traffic onto specific portions of the roadway, or provided for the use or protection of pedestrians.

"Lot" means any parcel of land capable of being separately conveyed.

"Lot Line" means any boundary of a lot.

"Municipal By-law Enforcement Officer" means any of the following: the Chief Building Official, Division Leader – By-law Compliance and a By-law Compliance Officer designated by the Municipality.

"Municipality" means the Municipality of Lakeshore.

“Municipal Elections Act, 1996” means *Municipal Elections Act, 1996*, S.O. 1996, c.32, Sched.

“Municipal Property” means property owned by or under the control of the Municipality, including a park, or any of its agencies, local boards, commissions or corporations and shall be deemed to include public utilities facilities and shall also be deemed to include, benches, municipal garbage containers or other structures.

“Non-Profit or Charitable Organization” means any non-profit corporation or organization set up for a public purpose without share capital having objects of a charitable, religious, professional, fraternal or athletic purpose.

“Official Sign” means a sign approved by the Ministry of Transportation for the Province of Ontario, the County of Essex or the Municipality of Lakeshore, and includes any sign or other device placed or erected on a Highway under the authority of the Municipality’s Parking and Traffic By-Law for the purpose of regulating, warning or guiding traffic.

“Permit” means a permit issued by the Municipality under this By-law.

“Property” means a separately assessed property shown on the Municipality’s latest Assessment Roll.

“Registered Candidate” means: a Candidate within the meaning of the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996;

“Registered Third Party” means any individual, corporation or trade union registered in accordance with the *Municipal Elections Act, 1996* ;

“Roadway” means the part of the Highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the Shoulder, and, where a Highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately, and not to all of the roadways collectively.

“Shopping Centre” means a group of commercial uses comprising unrelated individual business uses and having a total ground floor area in excess of 6,000 square feet on one lot.

“Sidewalk” means a foot path or any portion of a Highway set aside or improved for the use of pedestrians.

“Sign” means any device that conveys information by means of letters, numerals, symbols, graphics, characters, logos, lights, colours, designs, textures or objects. Without limiting the generality of the foregoing, Signs are classified by their design, means of support and/or purpose as follows:

“Banner Sign” means any Sign made of cloth, paper or fabric supported by ropes, wires or cords.

“Double Faced Sign” means a Sign on a single supporting structure having two Sign faces.

“Election Sign” means any Sign promoting, opposing or taking a position with respect to any of the following in relation to an election held pursuant to the *Municipal Elections Act, 1996, Elections Act (Ontario)*, or *Canada Elections Act*:

- (i) a candidate, political party or issue associated with a person or political party;
- (ii) an issue associated with a person, candidate, or political party in an Election; or
- (iii) a question, law or by-law submitted to the electors.

“Flashing Sign” means an illuminated Sign, upon which the source(s) of artificial light are not stationary or the intensity or colour is not constant.

“Ground Sign” means any single or double faced Sign, the main body of which is directly supported by and affixed to the ground with or without the support of any building or structure.

“Illuminated Sign” means a Sign that is lit by an artificial light source(s) within the Sign or by reflected light from a light source(s) directed upon it.

“Pedestal Sign” means a temporary and/or movable sign supported by a column and a base so as to allow the sign to stand in an upright position.

“Portable Sign” means a temporary advertising device and includes any and all signs constructed so as to be readily moved or transported whether or not the sign is fixed to the ground, mounted on a vehicle or affixed to a freestanding structure but does not include a Sandwich Board Sign.

“Projecting Sign” means any Sign other than a Wall Sign that is attached to and projecting from the wall of a building.

“Pylon Sign” means a Ground Sign supported upon one or more poles or standards.

“Real Estate Sign” means a Sign advertising that the lot on which it is located is for sale, rent or lease.

“Roof Sign” means a Sign that is erected on the roof of a building, or on any wall extending above the juncture of the wall and the roof.

“Sandwich Board Sign” means a non – illuminated sign consisting of two (2) flat surfaces joined at one (1) end and resting on the ground.

“Temporary Sign” means a sign displayed for a limited period of time.

“Wall Sign” means a single faced Sign which is painted on or affixed to an exterior wall of a building such that the Sign face is approximately parallel to the wall.

“Shoulder” means that part of the Highway lying adjacent to the roadway where there is no barrier curb, and which is improved or maintained to support a stopped vehicle.

“Street” means a common and public street, road, alley, lane, or Highway as defined in the *Municipal Act*, and includes a bridge but does not include a private road.

“Street Line” means the lot line dividing a lot from a street.

“User Fee By-law” means the Municipality’s User Fee By-law passed pursuant to Part XII of the *Municipal Act, 2001*, S.O. 2001, c. 25.

“Vehicle” means a motor vehicle, tractor, trailer, truck, camper, boat, motorcycle, motorized snow vehicle, mechanical equipment or any vehicle drawn, propelled or driven by any kind of power.

“Visibility Triangle” means a triangular area formed within a lot by:

- a) intersecting streets and a straight line connecting them 7.6 metres (25 feet) from their point of intersection; or
- b) the intersection of a Street and a driveway within 7.6 metres (25 feet) of a property line and a straight line connecting them 7.6 metres (25 feet) from their point of Intersection; or

c) the intersection of an alley and a street, or two alleys and a straight line connecting them 3.05 Metres (10 feet) from their point of intersection.

“Voting Day” means:

- a) voting day or polling day in accordance with the Applicable Election Legislation.

“Voting Place” means a place where electors cast their ballots in an election and includes any abutting property, including a Highway.

“Width of the Sign” means the distance between edges of the Sign including any border or frame, measured horizontally.

“Writ of Election” means the date defined in the *Canada Elections Act* and the *Election Act* (Ontario).

“Zone” means an area delineated on a zoning map schedule and designated by the Zoning By-law for a specific use or group of uses.

“Zoning By-law” means the Zoning By-law in effect for the Municipality of Lakeshore.”

3. Section 9 of By-law 107-2007 is repealed and replaced with the following:

“9.1 (a) Subject to subsections (b), the owner of any Sign that is no longer in use shall remove the Sign, and any supporting structure, within 30 days of the cessation of its use.

9.1 (a) The owner of an Election Sign shall remove the Sign, and any supporting structure, within 72 hours following 11:59 pm on Voting Day.

9.2 (a) Where a Municipal Law Enforcement Officer has reasonable and probable grounds to believe that an Election Sign is Erected, displayed, placed, nailed or otherwise attached contrary to any provision of this by-law, the Municipal Law Enforcement Officer shall cause the Election Sign to be removed immediately without notice to any person.

(b) Where an Election Sign has been removed pursuant to this section, the Registered Candidate or Registered Third Party with whom the Election Sign is associated is liable to a charge of \$50.00 (fifty dollars) per occurrence.

(c) The Municipality of Lakeshore is not responsible for the condition of Election Signs upon removal or during the storage of the Election Sign.

(d) An Election Sign removed pursuant to this by-law shall be stored by the Municipality in a safe place to be prescribed by the Clerk for a period of not less than 14 days, during which time the owner or an agent may retrieve the Election Sign.

(e) If an Election Sign has been removed by the Municipality and stored for a period of at least 14 days and such sign has not been retrieved, the Election Sign may be destroyed forthwith or otherwise disposed of by the Municipal Law Enforcement Officer without any notice or compensation to the owner thereof.”

4. By-law 107-2007 is amended by including the following immediately after the end of section 13 and before the heading “Signs Not Requiring Permits”:

“**13.1.** A permit issued under this By-law for an Election Sign shall expire 72 hours after 11:59 pm on Voting Day of the Election for which the Sign is Erected.”

5. Subsection 14(a) of By-law 107-2007 shall be repealed.

6. Sections 17, 18 and 19 of By-law 107-2007 are repealed and replaced with the following:

“17. No permit shall be issued until the fees prescribed by the Municipality’s User Fees By-law have been paid in full.

18. The Chief Building Official shall issue a permit to an applicant where he/she is satisfied that the application meets the requirements of this By-law and that the Sign to be Erected will conform to the standards specified in the Schedules attached hereto and forming part of this by-law.

RELIEF FROM BY-LAW

19. (a) Except in the case of an Election Sign, a person may apply and Council may refuse to grant relief from the regulations contained in this by-law or may grant such relief as it considers appropriate, either absolutely or subject to conditions, provided that, in the opinion of Council, the relief is minor and the general intent and purpose of this by-law are maintained.

(b) Applications for relief from the regulations contained in this by-law shall be in writing on the form provided by the Municipality and shall indicate the relief requested and the reasons such relief is required.

(a) Applications for relief from the regulations contained in this by-law shall be submitted to the Clerk together with the applicable fee as set out in the Municipality’s User Fees By-law.

- (b) Upon receipt of an application for relief from the regulations contained in this by-law and the applicable fee the Clerk shall place the matter on the agenda for the next available regular meeting of council.”

7. Section 22 of By-law 107-2007 is repealed and replaced with the following:

“22. The Chief Building Official shall be responsible for the administration of this by-law and a Municipal By-law Enforcement Officer shall be responsible for the enforcement of this By-law.”

8. Schedule “A” to this by-law shall be included after Schedule “A” to By-law 107-2007 and shall form Schedule “B” to By-law 107-2007.

9. By-law 67-2006 being a By-law respecting election campaign signs on boulevards and other municipal property is repealed.

10. All other provisions of By-law 107-2007 remain in force and permits granted pursuant to By-law 107-2007 shall be continued.

11. This By-law comes into force upon passage.

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**