

BY-LAW NUMBER 73-2009
OF THE CORPORATION OF THE MUNICIPALITY
OF CHATHAM-KENT

A By-law respecting election campaign signs on boulevards
and other municipal property.

FINALLY PASSED the 27th day of April, 2009

WHEREAS Section 11 of the Municipal Act, S.O. 2001, c.25 authorizes a municipality to pass by-laws respecting Structures, including fences and signs;

AND WHEREAS the purpose of this by-law is to prevent impeding of traffic and maintaining public safety;

AND WHEREAS Section 99 (3) of the Municipal Act, S.O. 2001, c.25 as amended, provides that the by-law may authorize the municipality to enter land and remove an advertising device, at the expense of the owner of the advertising device, if it is erected or displayed in contravention of the by-law;

AND WHEREAS the Council of the Corporation of the Municipality of Chatham-Kent deems it necessary to establish regulations concerning Federal, Provincial and Municipal campaign signs on highways within the Municipality of Chatham-Kent for the safe use of such by the public;

NOW THEREFORE the Council of the Corporation of the Municipality of Chatham-Kent hereby enacts as follows:

1.0 Definitions:

1.1 Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this section 1.1. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.

"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 (**see Appendix A**);

"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 (**see Appendix A**).

"Campaign period" means the period commencing on the day the election writ is issued and ending on the 5th day after voting day for a Federal or Provincial Election and the period commencing 60 days before voting day and ending on the 5th day after voting day for a Municipal Election.

“Campaign sign” means a sign or other advertising device which by the use of words, pictures or graphics or any combination thereof is intended to influence persons:

- a) to give or to refrain from giving their votes to a registered candidate and/or a registered Party at an election, or
- b) to vote in favour of or against any question submitted under the Municipal Act or any other law, to a vote of the electors.

“Candidate” means a candidate registered in accordance with the applicable legislation governing elections.

“Council” means the Council of the Municipality of Chatham-Kent.

“Driveway” means the improved land on a highway which provides vehicular access from the roadway to a laneway or parking area on adjacent land.

“Erect” means to attach, install, hang, place, suspend or affix a sign or letters or to build, construct, reconstruct, alter, enlarge, or relocate a sign and includes changing the surface of a sign.

“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, as amended in the Highway Traffic Act.

“Intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other, as amended in the Highway Traffic Act.

“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.

“Local board” means a local board as defined in the Municipal Act., 5.0.2001

“Ministry” means the Ministry of Transportation of Ontario.

“MTO Highway” means a highway under the jurisdiction of the Ministry of Transportation of Ontario.

“Municipality” means The Corporation of the Municipality of Chatham-Kent.

“Official Sign” means a sign approved by the Ministry, and includes any sign or other device placed or erected on a highway under the authority of the Parking and Traffic By-Law for the purpose of regulating, warning or guiding traffic.

“Park” means land and land covered by water and all portions thereof owned by the Municipality or made available by lease, agreement, or otherwise, to the Municipality, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space by the Municipality, that is, has been or hereafter may be placed under the jurisdiction of the Municipality, including any buildings, structures, facilities, erections and improvements located in or on such land.

“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

“Private drive” means the improved land on a highway which provides vehicular access from the roadway to adjacent land.

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

“Right of Way” the strip of land over which is built a public road.

“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, as amended in the Highway Traffic Act.

“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.

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

“Street” means a common and public highway, street, avenue, parkway, 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.

“Traffic” includes pedestrians, ridden, led or herded animals, vehicles, motorized snow vehicles and other conveyances, either singly or together while using any portion of a highway for the purpose of travel or the movement of goods.

“Traffic Control Device” means any official sign, traffic signal or other roadway, curb or sidewalk marking, or any other device erected or placed under the authority of the Parking and Traffic By-law for the purpose of regulating, warning or guiding traffic.

“Traffic Control Signal” means any device operated manually, mechanically or electronically for the regulation or control of traffic.

“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; (**see Appendix B**) 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; (**see Appendix B**) 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 (**see Appendix B**).

2.0 This By-law supersedes By-law Number 156-2004, a by-law to regulate signs and other advertising devices within the Municipality of Chatham-Kent, only during a campaign period and only respecting campaign signs on boulevards and other public property.

3.0 Election Campaign Signs shall not:

- a) require a permit;
- b) create an obstruction to vehicle or pedestrian traffic or a hazard to public safety;

4.0 During a Campaign period, Campaign signs shall only be permitted to be erected:

- a) On an inner boulevard with at least 4 metres (13.12 feet) clear distance to the edge of the roadway or a private driveway;
- b) On an inner boulevard with the consent of the adjoining owner;
- c) On a sidewalk with a minimum 1.8 metres (6.0 feet) wide unobstructed pedestrian corridor remaining.

- 5.0 During a Campaign period, Campaign signs shall not be erected:
- a) On or over a Park;
 - b) On or over a Roadway;
 - c) On an Island;
 - d) Within a Visibility Triangle.
- 6.0 During a Campaign period, Campaign signs shall not be erected on or over any property owned or occupied by The Municipality, Chatham-Kent Energy, Chatham-Kent P.U.C. or any local board at any time.
- 7.0 During a Campaign period, no person shall place a Portable Sign or cause or permit a Portable Sign to be placed on a highway.
- 8.0 During a Campaign period, no person shall nail or otherwise attach a Campaign sign, or cause or permit a Campaign sign to be nailed or otherwise attached, to or upon any utility pole, light pole, utility box, traffic control device, tree, bus shelter, planter, bench, waste receptacle, newspaper box, mail box, permanent or official sign or to the guide rail or other highway structure or facility or other asset of municipal infrastructure, or anywhere it may interfere with the continued safe use and operation of infrastructure, traffic and pedestrians.
- 9.0 During a Campaign period, no person shall place a Campaign sign or cause or permit a Campaign sign to be placed within 46 metres (150 feet) of the nearest limit of a grade Intersection of a MTO highway and another highway or railway (**see Appendix C & D**).
- 10.0 Every Campaign sign, campaign sign message and structure must be maintained in a proper state of repair.
- 11.0 No person shall at any time on any election voting day, including those days when advance election polls are held, place a campaign sign, or cause or permit a campaign sign to be placed on any premises used as a polling place for elections.

12.0 Administration and Enforcement

12.1 This By-Law shall be administered and enforced by the Municipal Clerk and/or his/her designate.

12.2 (a) Where the Clerk has reason to believe that a Campaign sign:

- i) has been placed, nailed or otherwise attached contrary to any provisions of this by-law
- ii) obstructs the visibility of pedestrians, vehicles or traffic control devices and creates a hazard to vehicular traffic or pedestrians,
- iii) interferes with the continued safe use and operation of any municipal infrastructure

the Clerk shall cause the Campaign sign to be removed immediately.

- (b) Upon removal of the Campaign sign the Candidate will be notified by the Municipal Clerk of the storage location, for retrieval of the Campaign sign.
- (c) The Municipality of Chatham-Kent is not responsible for the condition of Campaign signs upon removal and/or storage.
- (d) A Campaign sign removed pursuant to this By-law shall be stored by the Municipality in a safe place (Public Works Garage) for a period of not less than 14 days, during which time the owner or an agent may retrieve the campaign sign.
- (e) When a Campaign 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 Campaign sign may be destroyed forthwith or otherwise disposed of by the Municipality without any notice or compensation to the owner thereof.

12.3 Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding five thousand dollars (\$5,000.00) exclusive of costs for each offence recoverable under the Provincial Offences Act, R.S.O. 1990, c, P.33, as amended.

12.4 Notwithstanding Subsection 12.3, every person who contravenes any provision of this By-law is guilty of an offence and may, at the option of the Municipality, be prosecuted pursuant to the provisions of Part 1 of the Provincial Offences Act, and upon conviction thereof is liable to a set fine as determined in accordance with the procedure delineated in the Provincial Offences Act and regulations passed hereunder.

12.5 It is hereby declared that each and every part of the foregoing provisions of this By-law is severable. If any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions herein shall remain in full force and effect.

13.0 This By-law may be referred to as the "Campaign Sign By-Law".

14.0 By-law Number 141-2006 is hereby repealed.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 27th day of April , 2009.

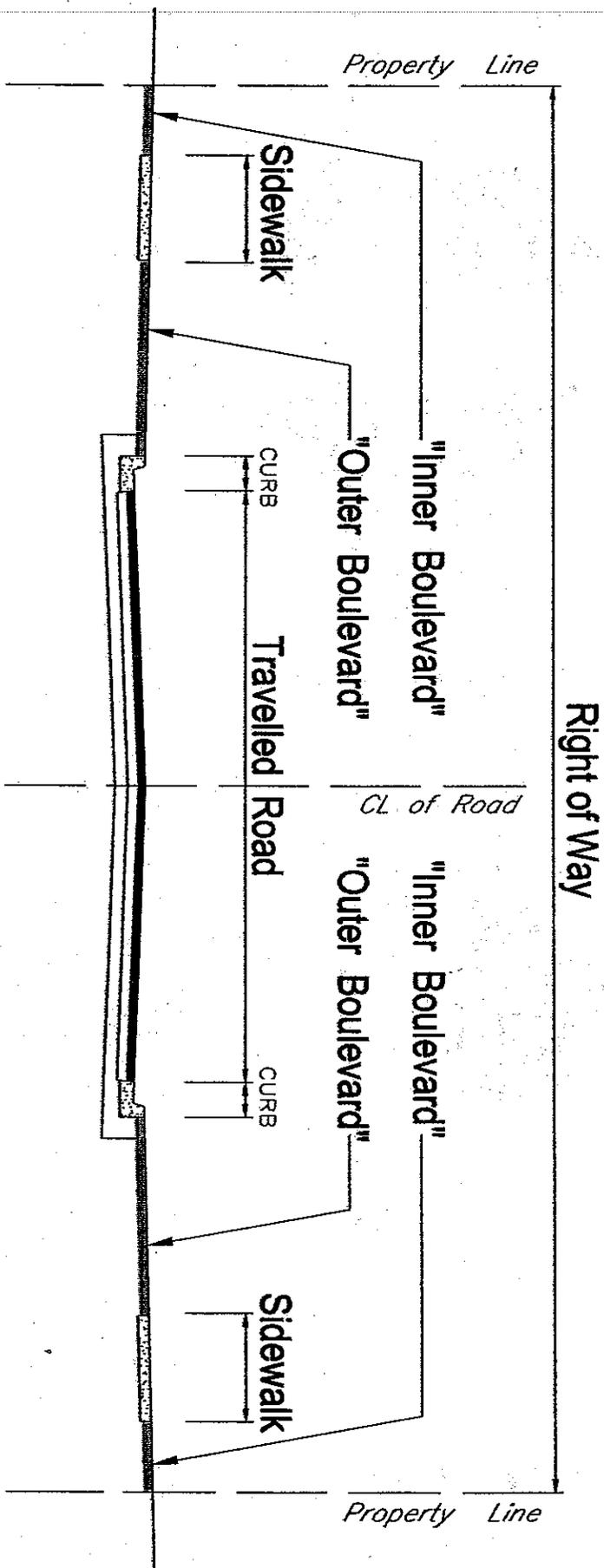
ORIGINAL SIGNED BY:

MAYOR - Randy R. Hope

ORIGINAL SIGNED BY:

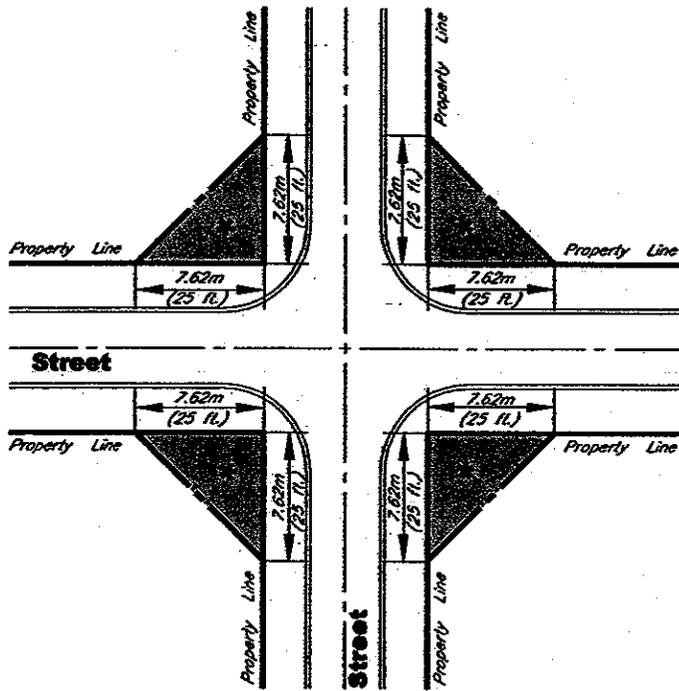
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CLERK - Elinor Mifflin



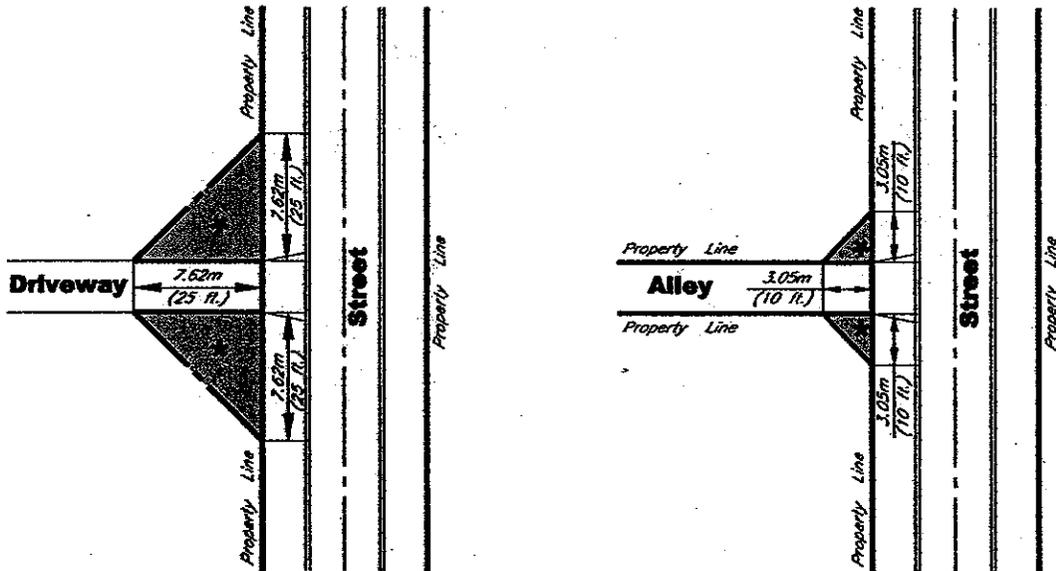
Section 1.0 "Boulevard"

By-Law respecting Election Campaign Signs
on Boulevards and other Public Property



* Signs are not permitted to be placed within the triangular areas shown.

a.) Intersecting Streets

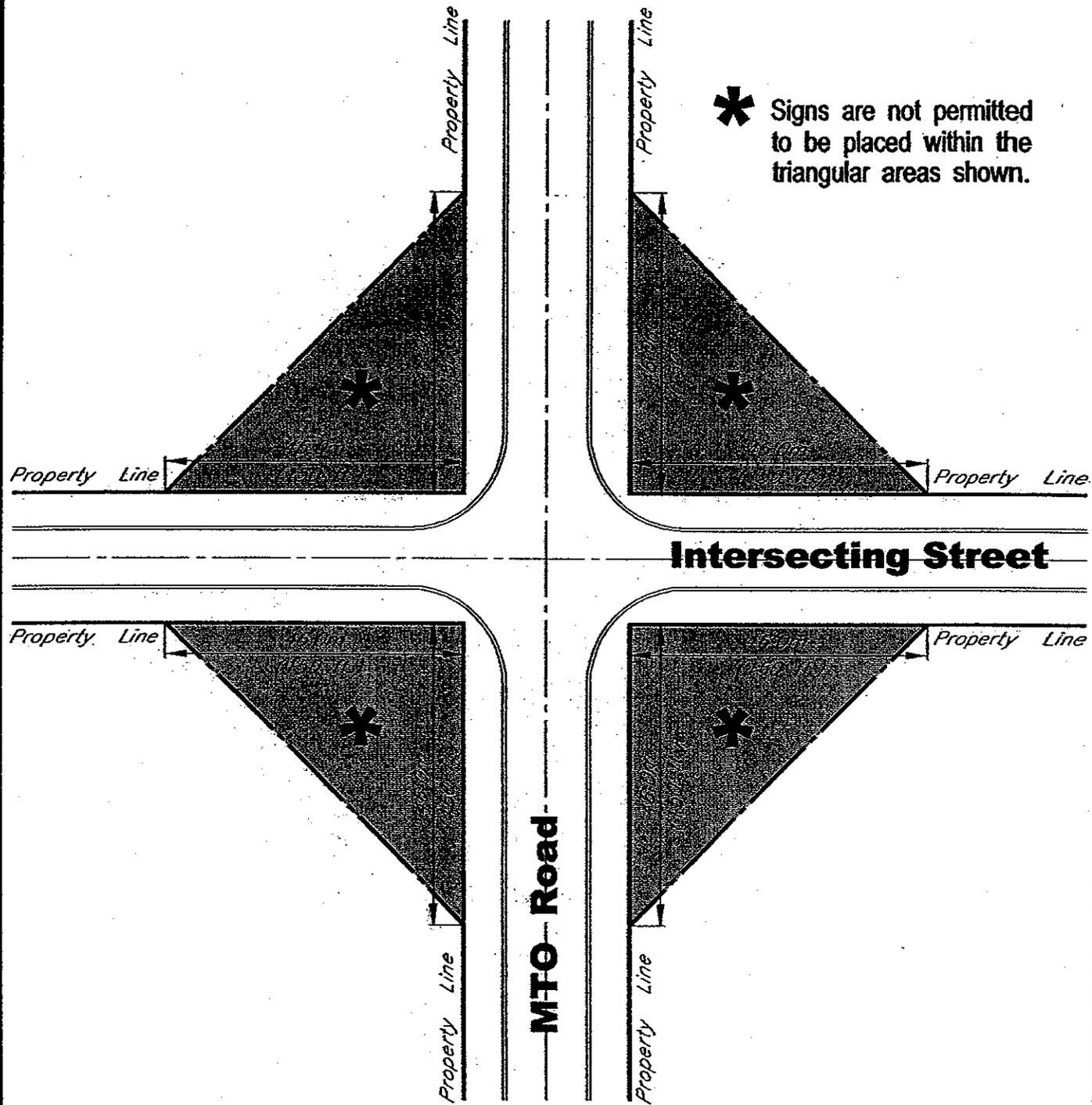


b.) Streets & Driveway

c.) Streets & Alley

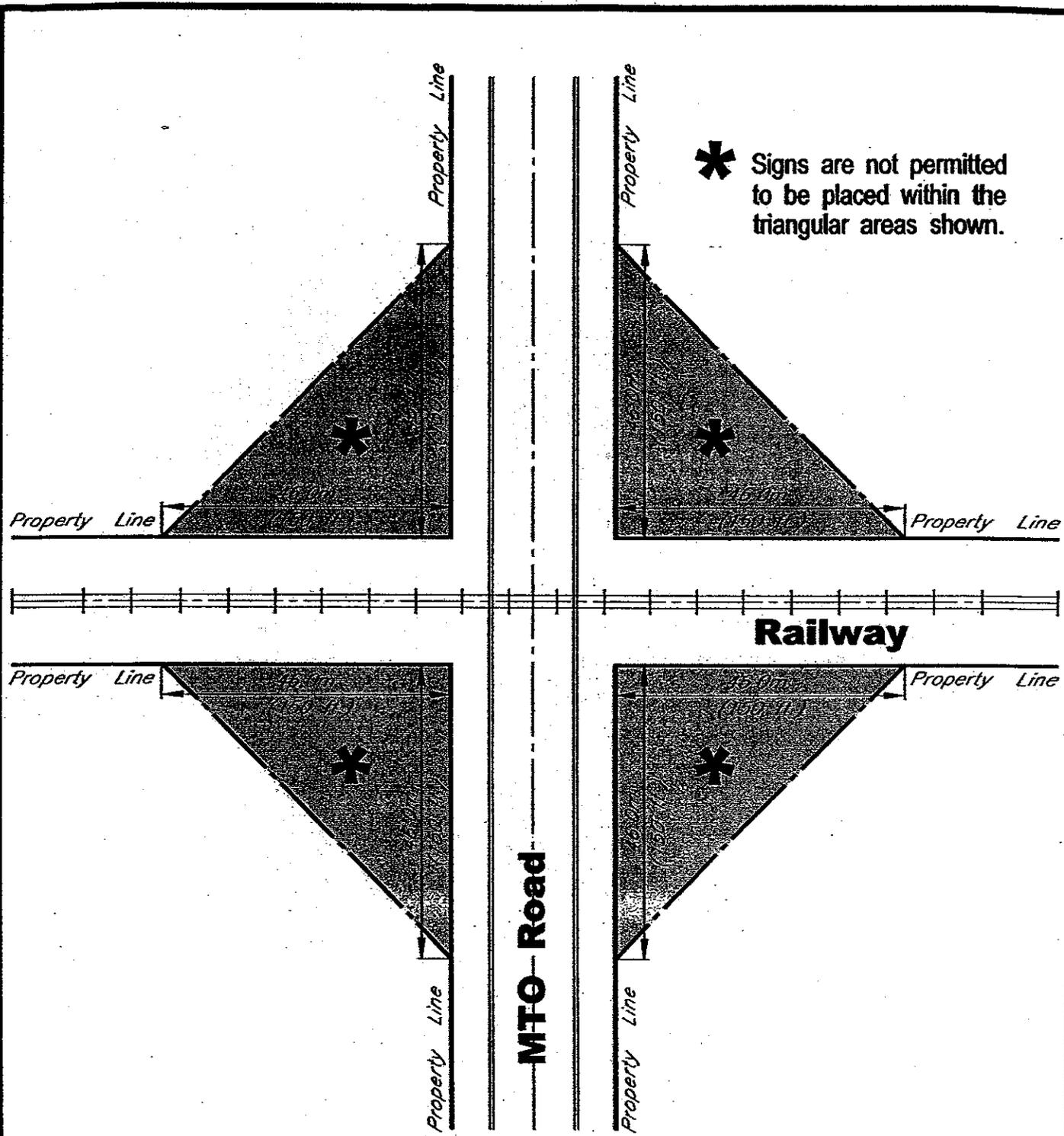
Section 1.0 "Visibility Triangle"

By-Law respecting Election Campaign Signs on Boulevards and other Public Property



Section 8.0 Placement of Signs near MTO Highway & Intersecting Street

By-Law respecting Election Campaign Signs
on Boulevards and other Public Property



Section 8.0 Placement of Signs near MTO Highway & Intersecting Railway

By-Law respecting Election Campaign Signs on Boulevards and other Public Property