

THE CORPORATION OF THE VILLAGE OF CASSELMAN

By-law number 2018-036

**A by-law to regulate election signs and to
repeal By-law No. 2014-030**

WHEREAS election signs are not regulated in By-law number 2017-076 being a by-law prohibiting or regulating signs in the Village of Casselman.

AND WHEREAS it is deemed expedient to adopt a by-law that would govern election signs for federal, provincial and municipal elections.

BE IT RESOLVED that the Council of the Corporation of the Village of Casselman enacts as follows:

SECTION 1 – DEFINITIONS

- 1.1 "Advertisement vehicle" shall mean a vehicle designed for the purpose of displaying an advertisement of goods or services, or a message, travelling on highways and on which messages are temporary and can be easily removed, and replaced by another;
- 1.2 "Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act, the Municipal Elections Act, as they may be amended from time to time;
- 1.3 "Election sign" shall mean any sign advertising or promoting the election of a political party or a candidate for public office in a federal, provincial or municipal election, including a vehicle with decals and/or lettering and a sign promoting the position of a person registered to campaign with respect to a question on a ballot;
- 1.4 "Highway" shall have the same meaning as the Highway Traffic Act, as amended;
- 1.5 "Mobile sign" shall mean any sign mounted on a trailer or other freestanding structure, which is designed in such a manner so as to facilitate its movement from place to place;
- 1.6 "Municipal Authority" shall mean the Clerk, the Deputy Clerk and the Municipal Law Enforcement Officer;
- 1.7 "Municipality" shall mean the geographic area located within the Corporation of the Village of Casselman;
- 1.8 "Public property" shall mean property that is owned by or under the control of the Corporation of the Village of Casselman or its agencies, boards, or commissions and includes public highways, and shall be deemed to include public utility poles, regardless of whether the poles are owned by or under the control of the municipality;
- 1.9 "Public utility poles" shall mean a pole owned or controlled by the municipality or another entity which provides a municipal or public utility service, including Bell Canada, Hydro and any subsidiaries thereof;

- 1.10 "Vehicle with decals and/or lettering" shall mean a temporary advertisement placed on a private or commercial vehicle and for the purpose of the present by-law shall be considered an election sign;
- 1.11 "Voting place" shall mean a place where a polling station is established and electors may cast their ballot and shall include the entire property upon which the polling station is established. For the purpose of municipal elections, the Town Hall located at 751 St-Jean Street in Casselman shall be considered as a voting place.

SECTION 2 – GENERAL

- 2.1 **THAT** no person shall erect, attach, place or display an election sign except in accordance with the provisions of this by-law.
- 2.2 **THAT** no permit shall be required from the municipality for the erection of election signs.
- 2.3. **THAT** no person shall erect, locate, or otherwise display an election sign:
 - 2.3.1 in the case of a municipal election, prior to sixty (60) days before an election; and
 - 2.3.2 in the case of a federal or provincial election, prior to the issuance of the writ for the election.
- 2.4 **THAT** all election signs shall be removed no later than five days following voting day of the election for which the signs were erected or installed.

SECTION 3 - PROHIBITIONS

- 3.1 **THAT** no person shall erect, locate, or otherwise display an election sign on a tree, a public utility pole, an official sign or overhanging a public highway.
- 3.2 **THAT** no person shall use or cause to be used a mobile sign.
- 3.3 **THAT** no person shall use or cause to be used an advertisement vehicle.
- 3.4 **THAT** no person shall use or cause to be used the municipality's logo, signature or coat of arms on election signs.
- 3.5 **THAT** no person shall erect, locate, or otherwise display an election sign that is illuminated, has flashing or rotated lights, or simulating any traffic control device.

SECTION 4 – PUBLIC PROPERTIES

- 4.1 **THAT** no person shall erect an election sign on the following properties and all abutting land including inside the buildings thereon:

ROAD	ROLL#	ADDRESS	DESCRIPTION
Brebeuf	01655	738	Club 60 Hall.

Brebeuf	01660	756	P.E. Levesque Centre
Brebeuf	01600	758	Complex JR Brisson
Brebeuf	02100	764	Public Library
Brisson	07255	16	Pumping Station Park
Brisson	07250	18	South Nation Conservation Park
Des Chenes	N/A	738	Pumping Station
Des Erables	20124	655	Block62-Park
Des Pommiers	20124	730	Casselman Village
Faucher	16254	46	Richelieu Park
Joliette	30098	796	Block54-Park
Laurier	N/A	224	Casselman Lagoon
Laval	37873	802	Park-Knights of Columbus
Laval	38450	832	Water Plant
Martin	40900	20	Optimist Park
María	40900	21	Optimist Park
Principal	10750	N/A	Casselman Village
Principal	38510	819	Casselman Village
Principal	38505	812	Casselman Village
Principal	41500	870	Municipal Garage
Principal	41400	872	Casselman Village
Principal	05100	750	Casselman Village
Racine	13658	66	Casselman Village
Riviere Nation Nord	41795	11	S.N.C. (Nation Park)
Riviere Nation Nord	38505	9	Nation Park
Station	24350	N/A	Tourism Centre/Train Station
Station	42500	3	Via Rail Canada
St-Joseph	17200	677	Fire Hall
St-Jean	23150	751	Town Hall
St-Jean	23200	747	Casselman Village

- 4.2 **THAT** no person shall erect an election sign on any property that is under the financial control of the municipality or any property under the financial control of a partner of the municipality.
- 4.3 **THAT** no person shall erect an election sign in any public park owned or occupied by the municipality including road allowance abutting a public park.
- 4.4 **THAT** no person shall erect an election sign in such a manner that it obstructs the visibility of pedestrians, cyclists or of a motor vehicle, or obstructs a traffic sign or device or in any way interfere with vehicular traffic.
- 4.5 **THAT** no person shall erect, locate or display an election sign within a highway where the election sign is larger than 2.97 square meters (32 square feet) and if abutting a built property, without the consent of the owner.
- 4.6 **THAT** no person shall park a vehicle with decals and/or lettering at one of the premises stipulated at section 4.1 unless having business there and being physically inside the premises.
- 4.7 **THAT** no person shall erect, locate or display an election sign on a highway that is not under the jurisdiction of the municipality without the consent of the authority responsible for the highway.

SECTION 5 – PRIVATE PROPERTY

- 5.1 **THAT** no person shall erect, locate or display an election sign on a private property unless having authorization from the owner.
- 5.2 **THAT** no person shall erect, locate or display an election sign on a private property in a manner as to obstruct the visibility of motor vehicles coming out from neighbouring properties.
- 5.3 **THAT** no person shall erect, locate or display an election sign where such sign constitutes a safety hazard to the general public.

SECTION 6 – OTHER PROVISIONS

- 6.1 **THAT** no person shall deface or wilfully cause damages to a lawfully erected election sign.
- 6.2 **THAT** no person shall erect, locate or display an election sign containing heinous messages against another candidate.

SECTION 7 – REMOVAL OF DEROGATORY SIGNS

- 7.1 **THAT** election signs that are erected in violation of this by-law shall be removed by the candidate within two days of written notification from the municipal authority. Thereafter, it shall be removed by the municipality and stored at the candidate's expense as per Schedule "A" attached hereto.
- 7.2 **THAT** the Clerk's decision to ask for or to authorize the removal of an election sign shall be final.
- 7.3 **THAT** the Clerk's Department shall request the destruction of any election sign that has been seized and has not been claimed and retrieved by the candidate or his/her authorized agent within 30 days after the election.
- 7.4 **THAT** upon payment of the fees as per Schedule "A" attached hereto, election signs shall be returned to the candidate, provided:
 - 7.4.1 the candidate shall be required to contact the Clerk's Department on a business day to make an appointment for the retrieval of the election signs;
 - 7.4.2 no election signs shall be returned on voting day.
- 7.5 **THAT** the costs incurred by the municipality to remove election signs and the restoration of a site if applicable shall have priority lien status under the Municipal Act, 2001 as amended and may be added to the collector's roll and collected in the same manner as municipal taxes. In addition, the cost incurred by the municipality is a debt and may be recovered in any court of competent jurisdiction.

SECTION 8 – PENALTIES

8.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to the penalties specified by the Provincial Offences Act, as amended.

SECTION 9 – EFFECTIVE DATE

9.1 **THAT** By-law number 2014-030 is hereby repealed.

9.2 **THAT** this by-law shall come into force and take effect on the date of the passing thereof.

READ A FIRST, SECOND AND DULY PASSED UPON THIRD READING THIS 8TH DAY OF MAY 2018.



Conrad Lamadeleine
Mayor



Natalie Peever
Interim Acting Clerk

SCHEDULE "A" – BY-LAW N° 2018-036

Sign	Fees
Retrieval of election sign erected prior to nomination day	\$100.00 per sign
Retrieval of election sign during election period	\$ 50.00 per sign
Retrieval of election sign after voting day	\$100.00 per sign

THE CORPORATION OF THE VILLAGE OF CASSELMAN

Provincial Offences Act
Part I

By-Law No 2018-036 A By-law to regulate election signs within the Municipality.

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fines
1.	Erect, locate, display an election sign on a tree	3.1	100.00
2.	Erect, locate, display an election sign on a public utility pole	3.1	100.00
3.	Erect, locate, display an election sign on an official sign	3.1	200.00
4.	Erect, locate, display an election sign overhanging a public highway	3.1	300.00
5.	Use or cause to be used a mobile sign	3.2	150.00
6.	Use or cause to be used an advertisement vehicle	3.3	150.00
7.	Use or cause to be use Municipality's logo, signature or coat of arms on election signs	3.4	150.00
8.	Erect, locate, display an election sign that is illuminated	3.5	125.00
9.	Erect, locate, display an election sign that has flashing or rotated lights	3.5	125.00
10.	Erect, locate, display an election sign simulating a traffic control device	3.5	300.00
11.	Erect an election sign in a prohibited location	4.1	200.00
12.	Erect an election sign on a property under financial control of the municipality	4.2	200.00
13.	Erect an election sign on a property under financial control of a partner of the municipality	4.2	200.00

Approved
[Signature]
August 10/18

14.	Erect an election sign in a public park owned or occupied by the municipality	4.3	200.00
15.	Erect an election sign in a road allowance abutting a public park	4.3	200.00
16.	Erect, locate, display and election sign on a private property without consent	5.1	200.00
17.	Erect, locate, display and election sign on a private property that obstructs visibility	5.2	150.00
18.	Erect, locate, display and election sign that creates a safety hazard	5.3	250.00
19.	Deface or willfully cause damages to an erected election sign	6.1	300.00
20.	Erect, locate, display and election sign containing heinous messages	6.2	200.00

Note: The penalty provision for the offences indicated above is section 8 of By-Law # 2018-036, a certified copy which has been filed and s.61 of the Provincial Offences Act, R.S.O. 1990, c.P.33. All fines are collected under the authority of Provincial Offences Act.