



**By-law 42-2014
of The Corporation of the City of Oshawa**

being a by-law to regulate Election Signs.

NOW THEREFORE the Council of The Corporation of the City of Oshawa ENACTS AS FOLLOWS:

1. In this By-law
 - (a) "Act" means *Municipal Act, 2001*, S.O. 2001, c. 25, as from time to time amended;
 - (b) "City" means The Corporation of the City of Oshawa;
 - (b.1) "City road" means a road forming part of the City's road system;
 - (c) "Director" means the City's Director, Municipal Law Enforcement and Licensing Services;
 - (d) "Election Sign" means a device, including its structure and other component parts, that is used or is capable of being used to:
 - (i) promote a candidate in a federal, provincial or municipal election, including an election of a local board or commission, or to
 - (ii) influence persons to vote for or against any candidate or any question or by-law submitted to electors under section 8 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, schedule; and
 - (e) "Officer" is as defined in the City's Inspection By-law 64-2008 and, for the purposes of this By-law other than section 6, includes such other City staff as the Director may determine.
 - (f) "Region" or "Regional" means the Regional Municipality of Durham;
 - (g) "Regional road" means a road forming part of the Regional road system.
2. The erection, placement, maintenance or display of any Election Sign shall be permitted subject to the provisions of this By-law.
3. Subject to section 4, no person shall permit the erection, placement, maintenance or display of an Election Sign that:
 - (a) does not comply with subsection 4.6 of the City's Fence and Sight Triangle By-law 23-2014 respecting maximum "Heights" within "Sight Triangles" and "Driveway Sight Triangles";
 - (b) obstructs the vision of drivers entering or leaving a City or Regional road from another highway, private road or driveway;
 - (c) obstructs, detracts from or interferes with the visibility or effectiveness of any traffic control sign, signal or device;
 - (d) obstructs or interferes with the lawful use of a sidewalk or a City or Regional road;
 - (e) when within the limits of a City or Regional road, exceeds a height of 0.6m or a width of 1.2m;
 - (f) subject to paragraph 3(g), exceeds a height of 1.2m or a width of 1.2m;
 - (g) when north of Winchester Road and not within the limits of land zoned R1-A, R1-F, R1-G or R1-H pursuant to the City's Zoning By-law 60-94, as amended, exceeds a height of 1.2m or a width of 2.4m;
 - (h) is closer than one (1) metre from the curb of a City or Regional road;

- (i) is within two (2) metres of the travelled portion of a City or Regional road where there is no curb;
 - (j) is on the part of a City or Regional road comprising an island or a median;
 - (k) is within twenty (20) metres of a bridge forming part of a City or Regional road or that is over a City or Regional road;
 - (l) is on or in land or premises owned or leased by the City, other than a City or Regional road;
 - (m) is on or within land or premises used as a polling station;
 - (n) is within one (1) metre of each property line of land used as a polling station;
 - (o) is or could be hazardous to the health or safety of persons;
 - (p) for a federal or provincial election, is erected, placed, maintained or displayed before the day on which the writ of the election is issued or after the seventh (7th) day following the day of the election; or that
 - (q) for a municipal election, is erected, placed, maintained or displayed before the forty-second (42nd) day prior to the last polling day for the election or after the seventh (7th) day following the last polling day for the election.
4. The following are exceptions to certain requirements of section 3:
 - (a) Paragraph 3(e) does not apply to an Election Sign forming part of street furniture lawfully within the limits of a City or Regional road where the Election Sign complies with any requirements of the owner of such street furniture.
 - (b) Paragraphs 3(f) and 3(g) do not apply to an Election Sign in respect of which a permit has been issued pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23.
 - (c) An Election Sign that is wholly within a building constructed pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23 is subject only to paragraphs 3(l), 3(m) and 3(o).
 - (d) An Election Sign comprised of “wrap” affixed to a vehicle is subject only to paragraphs 3(l), 3(m), 3(n), 3(p) and 3(q).
 5. An Officer may, without notice or compensation to any person, remove and may store any Election Sign that is erected, placed, maintained or displayed on City property contrary to this By-law.
 6. Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order pursuant to section 445 of the Act requiring work to correct the contravention. Service of an order is effective when posted on the property to which the order relates.
 7. Where an order made pursuant to section 6 is not complied with, the Director may cause work to be done at the expense of the person to whom or to which the order was given pursuant to section 446 of the Act.
 8. An Election Sign stored pursuant to section 5 may, on or before the seventh (7th) day following the last polling day for the election, be retrieved by the candidate to which the Election Sign refers, subject to administrative conditions established by the Director and posted on the City’s website.
 9. An Officer may, without notice or compensation to any person, dispose of any Election Sign that is not retrieved pursuant to section 8.
 10. In the event of conflict between this By-law and
 - (a) a by-law of The Regional Municipality of Durham;

(b) a provincial or federal Act or a regulation made under such an Act; or

(c) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation,

the by-law, statute, regulation and legislative instrument referenced in the preceding paragraphs (a), (b) and (c) shall prevail to the extent of the inconsistency.

11. In the event of conflict between this By-law and another City by-law, the more restrictive standard shall apply.

12. Election Sign By-law 80-97 is repealed.

13. Notwithstanding section 12 but subject to paragraph 3(a), until November 1, 2014, an Election Sign may comply with size restrictions by complying with those that were prescribed by By-law 80-97 or with those prescribed by this By-law.

14. The short title of this By-law is the "Election Sign By-law".

By-law passed this seventh day of April, 2014.

Original signed by Mayor and City Clerk.

2022-06-21