



## BY-LAW 2018-XX

### A By-law to regulate election signs and other election advertising devices within the City of Markham

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**WHEREAS** subsection 11(3), paragraph 1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes The Corporation of the City of Markham to pass by-laws respecting highways over which it has jurisdiction; and,

**WHEREAS** subsection 11(3), paragraph 7 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes The Corporation of the City of Markham to pass by-laws respecting signs; and,

**WHEREAS** subsection 63(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes The Corporation of the City of Markham, if it passes a by-law for prohibiting or regulating the placing of an object on a Highway, to provide for the removal of any object placed on a Highway in contravention of that by-law; and,

**WHEREAS** section 425 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended establishes that any person who contravenes any by-law of The Corporation of the City of Markham is guilty of an offence; and,

**WHEREAS** Council has determined that it is necessary and in the public interest to regulate election signs;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

#### 1. TITLE

This By-law shall be known and cited as the “Election Sign By-law.”

#### 2. DEFINITIONS

Note: Defined terms in this By-law are in bold and the first letter has been capitalized.

In this By-law:

“**Billboard Sign**” means an outdoor **Sign** maintained by a Person engaged in the sale or rental of space on the **Sign** to a client, advertising a business, activity, goods, products, services or facilities not located or offered on the premises.

“**Boulevard**” means that part of a Highway from the edge of the Roadway to the nearest lateral property line of the Highway.

“**Campaign Advertisements**” means an advertisement in any broadcast, print, electronic or other medium, purchased by or under the direction of a Candidate or Third Party.

“**Canada Elections Act**” means the federal statute cited as the Canada Elections Act, S.C. 2000, c.9, as amended.

“**Candidate**” means a candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Ontario) or the *Municipal Elections Act, 1996* as amended;

“**City**” means The Corporation of the City of Markham;

“**City Clerk**” means the City Clerk/Returning Officer of the City or a person delegated for the purpose of this By-law;

“**Crosswalk**” means

- (i) that part of a Roadway at an intersection that is included within the connections of the lateral lines of the **Sidewalks** on opposite sides of the Roadway measured from the curbs, or in the absence of curbs from the edges of the roadway; or
- (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs, school crossing signs (as per the Ontario Traffic Manual – Book 5 Regulatory Signs) or by lines or other markings on the surface thereof; and
- (iii) shall include pedestrian crossovers.

“**Council**” means the Council of the City.

“**Election Act**” means the provincial statute cited as the *Election Act*, R.S.O. 1990, c.E.6, as amended.

“**Election Campaign Office**” means an existing building or part thereof, the use of which is provided for by the applicable Zoning By-law, where a registered election Candidate’s or Registered Third Party campaign staff are normally present and the public may enter to obtain information regarding the candidate.

“**Election Sign**” means any Sign promoting, opposing or taking a position with respect to:

- (a) A question, law or by-law submitted to the electors under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;
- (b) 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**;
- (c) A Candidate or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**; or,
- (d) Third Party Advertisement.

“**Enforcement Officer**” means a Municipal Law Enforcement Officer appointed by the City and shall also include an officer of the York Regional Police Service.

**“Height”** means the vertical distance measured from the average elevation of the finished grade immediately below a sign to the highest point of the sign and includes any support structure or ornamental feature.

**“Highway”** includes a common and public Highway, Roadway, avenue, parkway, driveway, square or place and includes any bridge, trestle, viaduct or other structure forming part of the Highway and includes the Boulevards and any area between the lateral property lines of the Highway.

**“Intersection Pedestrian Signal”** means traffic control signals and/or a stop sign.

**“Median Strip”** means the portion of a Roadway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island in a roundabout.

**“Mobile Sign”** means a non-illuminated Sign designed to be capable of being readily moved from one location to another, usually built on a trailer or other solid platform, which may include wheels.

**“Municipal Elections Act”** means the provincial statute cited as the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

**“Owner”** means a Candidate, Third Party, or Registered Third Party who Places or permits the Placing of an Election Sign or any person described on the Sign, whose name, address or telephone number is on the Sign or who benefits from the message on the Sign and for the purposes of this By-law there may be more than one Owner of an Election Sign.

**“Park”** means any land or premises under the control and/or ownership of the City for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land.

**“Person”** means an individual, business, firm, body corporate, corporation, unincorporated business, partnership, association, trade union, or municipality.

**“Place”** means to attach, install, erect, build, construct, reconstruct, move, display or affix.

**“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, Region, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of this By-law, does not include a Highway or a property where one or more **Persons** reside.

**“Region”** means the Regional Municipality of York.

**“Registered Third Party”** means one of the following whose notice of registration has been certified by the City Clerk pursuant to section 88.6 of the Municipal Elections Act as amended:

- (a) An individual who is normally a resident in Ontario;

- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario.

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

**“School Crossing”** means any portion of a Roadway designated by by-law of the City, indicated as a school zone by Signs on the Highway as prescribed by the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations, as amended.

**“Sidewalk”** means the part of a Highway with a surface that is improved, designed or ordinarily used by pedestrians or bicycles and includes a multi-use path.

**“Sight Triangle”** means in the case of a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines. See Diagram 1 in Schedule A.

**“Sign”** means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter or to display a design or convey a message and includes posters, billboards, advertising devices or notices.

**“Sign Area”** means the entire area of the surface of a sign including the border or frame, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected. Where there is no border or the sign is composed of individually installed letters, numerals or shapes, the sign area shall include all of the area of the smallest polygon containing a maximum of eight right angle sides that encloses the surface of the sign or the grouping of letters, numerals or shapes.

**“Third Party”** means any person or entity, including but not limited to a corporation or trade union, who is not a registered Candidate, political party, or constituency association who incurs expenses with respect to:

- (a) A question, law or by-law submitted to electors under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**;
- (b) 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,
- (c) A Candidate or political party participating in an election under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**.

**“Third Party Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing:

- (a) A certified Candidate; or,

- (b) A “yes” or “no” answer to a question on a ballot under the **Canada Elections Act**, the **Election Act** or the **Municipal Elections Act**.

But does not include an advertisement by or under the direction of a Candidate or an advertisement described in subsection 8 (2) or (2.1) of the Municipal Elections Act.

“**Third Party Election Sign**” means an Election Sign, the expense for which has been incurred by:

- (a) An individual who is normally a resident in Ontario;
- (b) A corporation that carries on business in Ontario; or,
- (c) A trade union that holds bargaining rights for employees in Ontario,

Who is a Registered Third Party under section 88.6 of the Municipal Elections Act.

For greater certainty, Third Party Election Signs are not under the direction of a certified Candidate for public office in a municipal election.

“**Voting Day**” means the day on which the final vote is to be taken in an election.

“**Voting Place**” means a location designated by the City where electors cast their ballots and:

- (a) When a Voting Place is located on Public Property, includes all of the area enclosed by the lot lines of the Public Property and any Highway abutting; and,
- (b) When a Voting Place is located on Private Property, includes all of the common elements of the Private Property and any Highway immediately abutting.

### 3. ADMINISTRATION

- 3.1 The By-law Enforcement and Licensing Divisions of Legislative Services & Corporate Communications shall be responsible for the issuance of permits for all **Election Signs**, for the completion of site inspections of **Election Signs** and for the enforcement of this By-law.

### 4. GENERAL PROHIBITIONS

- 4.1 No Owner or **Person** shall **Place** or permit to be **Placed**, an **Election Sign** except in accordance with this By-law.
- 4.2 No Owner or **Person** shall **Place** or permit to be **Placed**, an **Election Sign** that:
  - (a) Is illuminated, has flashing lights, or rotating parts;
  - (b) Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
  - (c) Impedes or obstructs the **City’s** maintenance operations;
  - (d) Is on a **Roadway**;

- (e) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
- (f) Is less than 10 metres (32.8 feet) from a **Roadway** on a **Highway** where pedestrians are prohibited;
- (g) Is on a **Median Strip** or island located within the **Roadway** or a roundabout;
- (h) Is within a **Sight Triangle**;
- (i) Is less than 3 metres (9.8 feet) from a **School Crossing**;
- (j) Is less than 30 metres (98.4 feet) from an **Intersection Pedestrian Signal**;
- (k) Is between the curb and the **Sidewalk**, where there is a **Sidewalk**;
- (l) Is on a trailer;
- (m) Simulates any traffic **Sign**, traffic signal, any other **Sign** that directs the movement of traffic, or any official **Sign**;
- (n) Uses words such as "stop", "look", "one way", "danger", "yield" or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
- (o) Is affixed to public utility poles, telephone poles, hydro poles, light standards or any other utility infrastructure using items such as, but not limited to: nails, screws, tacks, staples, glue or wire;
- (p) Is **Placed** on, painted on, attached to, or supported by a tree, stone or other natural object;
- (q) Is **Placed** so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a **Highway**; or,
- (r) Is **Placed** on a boundary fence line or noise attenuation wall which is located on **Public Property**.

**4.3** No **Election Sign** shall be in a state of disrepair or be located where it is a general hazard to public safety.

**4.4** No **Person** shall display, **Place** or permit to be displayed or **Placed** an **Election Sign** on or in a **Voting Place** or the abutting municipal **Boulevard**.

**4.5** No **Person** shall attach or affix to or display an **Election Sign** on a motor vehicle which is parked or located for the primary purpose of displaying said **Election Sign**.

**4.6** No vehicles displaying any **Election Sign** shall be parked or stopped at any **City** facility or adjacent to any site to be used as a **Voting Place**.

**4.7** No Owner shall display on any **Election Sign** a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the **City**.

**4.8** **Mobile Signs** are not permitted to be used as **Election Signs**.

**4.9** No **Owner** shall display, **Place** or permit to be **Placed** an **Election Sign** on or in a **Voting Place** or the abutting municipal **Boulevard**.

## **5. ELECTION SIGNS**

**5.1** No **Owner** or **Third Party** shall **Place** or permit to be **Placed** an **Election Sign** without obtaining an election **Sign** permit and making payment of the prescribed **Election Sign** permit fee. The **Election Sign** permit shall be:

- (a) In a form prescribed by the **City Clerk**; and,
- (b) Accompanied by the prescribed **Election Sign** permit fee.

**5.2** Subject to section 5.1, no **Owner** shall **Place** or permit to be **Placed** an **Election Sign** for a federal or provincial election or by-election until the day after the writ of an election or by-election is issued.

**5.3** Subject to section 5.1, no **Owner** shall **Place** or permit to be **Placed** an **Election Sign** for a municipal election until after the **Candidate** has filed their nomination with the **City Clerk**, or in the case of a **Registered Third Party**, registered with the **City Clerk**, and in any event no earlier than:

- (a) 28 calendar days (4 weeks) prior to **Voting Day** in the year of a regular Municipal Election or Municipal By-Election; or,
- (b) **Nomination Day** for a Municipal By-Election, if **Nomination Day** is less than 28 calendar days (4 weeks) prior to **Voting Day**.

**5.4** Despite sections 5.2 and 5.3, **Election Signs** may be **Placed** on a **Candidate's Campaign Office** once the **Candidate** has filed his or her nomination with the **City Clerk**.

**5.5** **Election Signs Placed** or permitted to be **Placed** by a **Registered Third Party** shall include the following information in accordance with section 88.5(1) of the Municipal Elections Act:

- (a) The name of the **Registered Third Party**;
- (b) The municipality where the **Third Party** is registered; and,
- (c) A telephone number, mailing address, or email address to contact the **Registered Third Party**.

## **6. SIZE**

**6.1** An **Election Sign** shall have a maximum sign area of 1.49 square metres (16 square feet).

**6.2** An **Election Sign** shall have a maximum **Height** of 1.22 metres (4 feet).

**6.3** An **Election Sign** shall have a maximum width of 1.22 metres (4 feet).

**6.4** An **Election Sign** shall be no higher than 2 metres (6.6 feet) above the ground.

## **7. ELECTION SIGNS ON PUBLIC PROPERTY**

**7.1** Subject to section 4.2, **Election Signs** are not permitted anywhere on **Public Property** within the **City**, other than on:

- (a) a **Boulevard** abutting a residential lot, where the property owner of the residential lot has consented to the placement of the **Sign**; and,
- (b) on a road allowance at a designated intersection shown on Schedule A;

**7.2** Notwithstanding section 4.2, no **Election Sign** shall be **Placed**:

- (a) on any Public Property in a Special Sign District (as identified in Section 10 of Sign By-law 2002-94).

**7.3** **Election Signs** erected on road allowances at designated intersections within the area shown on Schedule A, or on **Private Property**, shall comply with the following:

- (a) no more than two **Signs** per **Candidate** are permitted at any designated intersection;
- (b) no portion of any **Sign** shall be located within three (3) metres of the curb, the edge of the travelled **Highway**, or the shoulder of the **Highway**;
- (c) no portion of any **Sign** shall be located within one (1) metre of a **Sidewalk**;
- (d) the **Sign** shall be **Placed** within fifty (50) metres of the corner, but shall not be **Placed** within the **Sight Triangle**;
- (e) **Signs** are prohibited in Special Sign Districts (as identified in Section 10 of Sign By-law 2002-94).

**7.4** **Fences on Municipal Boulevard**

For the purposes of this By-law, all fences abutting a municipal **Boulevard** shall be deemed to be on the property line and no **Election Sign** shall be erected on those fences.

**8.0** **ELECTION SIGNS ON PRIVATE PROPERTY**

**8.1** Subject to section 4.2, **Election Signs** are permitted on **Private Property**, provided that:

- (a) The property owner, tenant, or occupant of the property consents;
- (b) No more than one **Election Sign** per **Candidate** or **Registered Third Party** is permitted to be **Placed** on the property;
- (c) The **Election Sign** does not interfere with the safe operation of vehicular traffic or impair the safety of pedestrians;
- (d) No **Election Sign** shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust, nor so as to prevent or impede the free access of emergency personnel to any part of a building including emergency water connections and/or fire hydrants.
- (f) Within Special Sign Districts (Heritage District Areas), **Election Signs** may be **Placed** on private residential or commercial properties and shall not be **Placed** on the abutting municipal **Boulevard**.



**8.2** On a rural residential property or on a farm, **Election Signs** shall only be **Placed** or permitted to be **Placed** within the portion of **Private Property** being maintained for residential purposes.

## **9. ELECTION CAMPAIGN OFFICE**

**9.1** Each **Candidate** is permitted to use signage permitted under the **City's Election Sign By-law**, except for mobile, portable, and banner signage at one designated **Election Campaign Office** only and is further entitled to the following exemptions to the Sign By-law 2002-94, as amended:

- (a) a single **Election Sign**, displaying the words “ Campaign Headquarters” may be **Placed on Private Property**;
- (b) Notwithstanding Sign By-law 2002-94, as amended, within 42 days of **Voting Day Signs** may be Placed in windows of the portion of the building occupied by the candidate's **Election Campaign**;
- (c) Clauses a and b above do not apply to an **Election Campaign Office** located in a residential or institutional zone.

## **10. REMOVAL AND RETURN OF ELECTION SIGNS**

**10.1** Every **Person** shall fully remove their **Election Signs** within 72 hours (3 days) immediately following the end of **Voting Day**.

**10.2** The **City Clerk** and/or an **Enforcement Officer** may remove any **Election Sign Placed** in contravention of this By-law without notice.

**10.3** The **City Clerk** and/or an **Enforcement Officer** may destroy any **Election Signs** which have been removed and not claimed and retrieved by the **Candidate, Person, or Owner** within the time period prescribed by the **City Clerk. Election Signs** removed in accordance with this By-law may be destroyed or otherwise disposed of by the **City** without notice and/or compensation to any party.

**10.4** The **City** may recover the expense of removal of an **Election Sign** under section 10.2 of this By-law from the **Owner** of such **Sign** or **Signs** and may commence proceedings against the **Owner** to recover such costs.

**10.5** The **City Clerk** may make regulations under this By-law prescribing the rules and procedures for the retrieval and destruction of **Election Signs** removed under this By-law, including without limitation, the form of and any information required to be provided to the **City Clerk** and/or an **Enforcement Officer** to authorize the release of an **Election Sign**, dates on or by which an **Election Sign** may be retrieved or destroyed, and the manner in which notice may be given to a **Person** relating to the retrieval and destruction of an **Election Sign**.

**10.6** The **City Clerk** may make regulations under this By-law prescribing the rules for the collection of unpaid fines.

## **11. SEVERANCE**

**11.1** If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of **Council** to enact, such sections or section or part of a section shall be deemed to be severable and all other

sections or parts of sections of this By-law shall be deemed to be separate and independent and shall continue in full force and effect.

## **12 FEES**

**12.1** Fees shall be paid in accordance with the City's Licensing, Permit and Service Fees By-law 2012-137.

**12.2** **Election Sign** permit fees are non-refundable.

## **13. Order**

**13.1** If an **Enforcement Officer** is satisfied that this By-law has been contravened, the **Enforcement Officer** may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

**13.2** An Order to Discontinue Activity shall set out:

- (a) The municipal address of the property on which the contravention occurred, if available;
- (b) The date of the contravention;
- (c) The reasonable particulars of the contravention of the by-law; and,
- (d) The date by which there must be compliance with the order.

**13.3** No **Person** shall contravene an Order to Discontinue Activity.

## **14. Service of Order**

**14.1** The Order to Discontinue Activity may be served by:

- (a) Personal service on the Person to whom it is directed;
- (b) Registered mail or regular mail to the last known address of that Person, in which case it shall be deemed to have been received on the fifth day after it is mailed; or,
- (c) E-mail to the last known e-mail address of that Person, in which case it shall be deemed to have been received on the day after it is e-mailed.

## **15. Power of Entry**

**15.1** The **City** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) The provisions of this By-law;
- (b) An Order issued under this By-law; or,
- (c) An Order made under Section 431 of the Municipal Act.

**15.2** Where an inspection is conducted by the **City**, the **Person** conducting the inspection may:

- (a) Require the production of documents or relevant items for inspection;
- (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (c) Require information from any **Person** concerning a matter related to the inspection including their name, address, phone number and identification; and,
- (d) Alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

**15.3** The **City** may undertake an inspection pursuant to an Order issued under Section 438 of the Municipal Act.

**15.4** The **City**'s power of entry may be exercised by an employee, inspector or agent of the **City** or by a member of a police force with jurisdiction, as well by any person under their direction.

**15.5** No **Person** shall hinder or obstruct, or attempt to hinder or obstruct the **City**, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

**15.6** No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Person** who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

## **16. Offence, Penalty and Presumption**

**16.1** Every **Person** or **Owner** who contravenes any provision of this By-law is guilty of an offence.

**16.2** If a **Sign** has been **Placed** or displayed in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

**16.3** Every **Person** or **Owner** who is guilty of an offence under this By-law shall be subject to the following penalties:

- (a) Upon a first conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00);
- (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than two hundred dollars (\$200.00) and not more than one hundred thousand dollars (\$100,000.00);
- (c) Upon conviction for a continuing offence, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00) for each day or part of a day that the offence continues. The total of the daily fines is not limited to one hundred thousand dollars (\$100,000.00);
- (d) Upon conviction for multiple offences, for each offence included in the multiple offences, to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000.00). The

total of all fines for each included offence is not limited to one hundred thousand dollars (\$100,000.00).

- 16.4** For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 16.5** For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 16.6** Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this bylaw, any **Person** or **Owner** named on the **Sign** or **Election Sign** shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the **Sign**, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 16.7** Where a **Sign** or **Election Sign** is **Placed** or displayed in contravention of any provision of this By-law, and the **Sign** or **Election Sign** has no **Person’s** or **Owner’s** name on it, but a telephone number appears on the **Sign** or **Election Sign**, any **Person** or **Owner** to whom the telephone number is listed in a telephone directory, including any internet directory, shall be presumed to have been the **Person** or **Owner** who **Placed** or displayed the **Sign**, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 16.8** Where a **Sign** or **Election Sign** is **Placed** or displayed by a **Third Party** or **Registered Third Party** in contravention of any provision of this By-law, the corporation, trade union, or an individual of the **Third Party** or **Registered Third Party** shall be presumed to have knowingly concurred in the placement or displaying of the **Sign** in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 16.9** Where an **Enforcement Officer** has reasonable grounds to believe that an offence has been committed by any **Person**, the **Enforcement Officer** may require the name, address and proof of identity of that **Person**, and the **Person** shall supply the required information.

## **17. Enforcement**

- 17.1** This By-law may be enforced by an Enforcement Officer or by any other person appointed by the City for the purpose of enforcing this By-law.

## **18. Administration**

- 18.1** The City Clerk is responsible for the administration of this By-law.

## **19. Force and Effect**

- 19.1** This By-law shall come into force and effect on the day it is passed.
- 19.2** Should any of the provisions contained herein conflict with any other by-law, the provisions of this By-law 2018-XX shall apply.

## **20. Indemnification**

**20.1** The **Candidate, Owner or Registered Third Party or Third Party** shall indemnify and hold harmless the **City** and the **Region**, its officers, **Council** members, agents and employees from and against all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the **City** and the **Region** and against all losses, liabilities, judgements, claims, suits, demands or expenses which the **City** and/or the **Region** may sustain, suffer or be put to resulting from or arising out the issuance or non-issuance of a permit or the use or occupation of a municipal or regional road allowance. This indemnification shall include any legal costs incurred by the **City** and/or the **Region** on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the **City** and/or the **Region** resulting from the actions of the **Candidate, Owner or Registered Third Party or Third Party**.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS DAY OF \_\_\_\_\_, 2018.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR

Schedule A

Diagram 1 – Sight triangle

