

**THE CORPORATION OF THE TOWNSHIP OF
OTONABEE-SOUTH MONAGHAN**

BY-LAW NUMBER 2026-21

Being a By-law to regulate the place and use of "election" signs in the Township
of Otonabee-South Monaghan

Whereas the Municipal Act, 2001, c.25, s. 11 (3) as amended provides that a lower tier municipality may pass by-laws subject to the rules set out in subsection (4) respecting matters of structures, including signs and fences; and

Whereas the *Municipal Act, S.O. 2001, c.25* s. 63(1) as amended provides that a by-law may prohibit or regulate the placing or standing of an object on or near a highway and provide for the removal and impounding or restraining and immobilizing of any object placed or standing

Whereas the *Municipal Act, 2001, S.O. c.25*, s. 425 as amended, establishes that any person who contravenes any by-law of Township is guilty of an offence; and

Whereas the *Municipal Elections Act, 1996, S.O. 1996, c.32*s. 88.3 as amended states no registered third party shall cause a third-party advertisement to appear during the restricted period unless the advertisement contains the name of the registered third party, the municipality where the registered third party is registered, a telephone number, mailing address or email address where the registered third party may be contacted regarding the advertisement.

And *Whereas*, Council deems it appropriate to regulate the placement of election signs within the Township to facilitate equal opportunity for all Candidates and to ensure the safety of individuals by the safe placement of election signs.

Now Therefore the Council of the Corporation of the Township of Otonabee-South Monaghan *Enacts as Follows*:

1.0 Short Title

This By-law shall be cited as "***Election Sign By-law.***"

2.0 Application of By-law

This By-law applies to all Election Signs placed within the Township of Otonabee-South Monaghan.

This By-law applies to: Candidates, Council Members (including acclaimed member or a member not seeking re-election) and Third Party Advertisers.

3.0 Sign Permit

The placement of an Election Sign upon a road allowance shall not require the issuance of a sign permit by the Township.

4.0 Fee

No fee will be charged by the Township and no permit fee shall be required in order to place a sign in accordance with this by-law

5.0 Definitions

"Act" shall mean the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

"By-Election" shall mean any Election other than a regular Election in the case of a municipal Election or a general Election in the case of a Provincial or Federal Election.

"Canada Elections Act" shall mean the federal statute cited as the *Canada Elections Act*, S.C. 2000, c. 9, as amended.

"Candidate" shall mean a person officially nominated as a candidate in an election (Federal, Provincial and Municipal), or their authorized agent.

"Clerk" shall mean the person appointed as Municipal Clerk of the Township by Council in accordance with the Municipal Act, 2001, as amended, or designated.

"Council" shall mean the Council of The Corporation of the Township of Otonabee-South Monaghan.

"County" shall mean the Corporation of the County of Peterborough.

"Election" shall mean a general federal or provincial Election or a regular municipal Election and any question or by-law submitted to the electors and includes an Election to a Local Board or commission.

"Election Act" shall mean the provincial statute cited as the *Election Act, R.S.O. 1990, c.E.6* as amended.

"Election Sign" shall mean an advertising device which, by the use of words, pictures, or graphics or any combination thereof, is intended to promote, oppose or take a position with respect to any of the following under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act:

- Any candidate or political party in an election
- An issue associated with a person or political party in an election; or
- A question, law or by-law submitted to the electors

"Highway" shall have the same meaning as the Highway Traffic Act, R.S.O. 1990, c.H.8, and includes unopened road allowances.

"Municipal Elections Act 1996" shall mean the provincial statute cited as the *Municipal Elections Act, 1996, S.O. 1996, c.32* as amended.

"Nomination Day" shall mean for a regular municipal Election means the deadline to file a nomination with the Clerk under the *Municipal Elections Act, 1996*, as amended. In the case of a municipal By-Election the Clerk shall fix the date of Nomination Day in accordance with the provisions of sub-section 65(4) 1 of the *Municipal Elections Act, 1996*.

"Person" shall mean, but is not necessarily limited to, an individual, business, firm, corporation, unincorporated business, trade union, partnership or association and include a Registered Third Party.

"Private Property" means those lands under the private ownership and not forming part of the road allowance.

"Public Property" shall mean and land, building or other structure owned, leased, operated or otherwise controlled by the Township, other than a Road Allowance, and includes the Municipal Office, operation centres, libraries, community and recreation centres, transfer station, public works depot, trails, sports fields and open space.

“Road Allowance” shall mean a Municipal road allowance and includes all lands and structures contained within the limits of the allowance including grassed areas, ditches, curbs, gutters, sidewalks and other structures and includes a “Highway” as defined under the Ontario Highway Traffic Act which is under the jurisdiction of the Municipality.

“Third Party Advertiser” shall mean an individual, corporation or trade union registered in accordance with Section 88.6 of the Municipal Elections Act, Section 37.5 of the Election Finance Act, R.S.O. 199, c.E7, or Section 353 of the Canada Elections Act, S.C. 2000, c.9.

6.0 Administration

6.1 This by-law shall be administered by the Township Clerk

6.2 The Township Clerk has the delegated authority to review any issue regarding an Election Sign and decide if any action is needed to uphold the general integrity of this By-law. The Township Clerk’s decision shall be final.

7.0 Scope

7.1 Unless otherwise specifically exempt, all road allowances and public property within the geographical limits of the Township shall be subject to the provisions of this by-law.

7.2 This by-law shall apply to:

- All regular, federal, provincial, municipal and school board elections, including any by-election; and
- Candidates, Third Party Advertisers and all other persons erecting Election signs.

7.3 This by-law shall not apply to:

- Signs erected by the Township or the provincial or federal governments to provide information concerning an election or by-election or any part of an election or by-election process.

8.0 Regulation of Election Signs

8.1 Public Property

8.1.1 No person may put up, place, post, display, keep, change, or maintain an Election Sign on any Public Property that is not a Road Allowance.

8.1.2 No person may put up, place, post, display, keep, change, or maintain an Election Sign on a Road Allowance if the sign:

- a) creates a safety risk;
- b) blocks or interferes with vehicle traffic or with people walking where they would normally be expected to walk;
- c) is within 3 metres of the curb, the edge of the travelled highway or the shoulder of the highway;
- d) is within 1 metre of a sidewalk;
- e) is lit up, has flashing lights, has moving parts, blocks an official sign or signal, or looks like a traffic control device;
- f) interferes with, blocks, hides, or reduces the visibility or effectiveness of an approved traffic sign, traffic signal, official sign, or any sign that could be mistaken for one of these;
- g) blocks the view of a pedestrian or driver in a way that creates an unsafe condition;
- h) blocks the flow of water in a drain, ditch, or watercourse;
- i) blocks or interferes with maintenance or construction work;
- j) interferes with or may damage any municipal or utility service above or below ground that has been lawfully installed at that location;
- k) is attached to any permanent or official highway sign, signal, sign support, guardrail, roadway structure, utility pole, light standard, utility box, fence post, tree, planter, bench, garbage bin, newspaper box, mailbox, bridge, structure, official sign, or is painted or pasted onto a rock surface;
- l) includes or is attached to a device that makes noise;
- m) is out of date and advertises an election event that has already ended;
- n) is broken, unsafe, damaged, or in poor condition;
- o) is secured with hazardous objects;
- p) blocks or interferes with a fire escape route, fire exit, fire hydrant, or standpipe; or
- q) interferes with the safe movement of traffic, including blocking sightlines at intersections where the road curves, slopes, or changes grade, or by interfering with snow removal.

8.1.3 No person shall at any time place an election sign, or cause an election sign to be placed on any property that is owned, leased or maintained by the Township of Otonabee-South Monaghan, including but not limited to:

- a) Municipal Office;
- b) Fire Halls;
- c) Public Works Yards;
- d) Community Centres;
- e) Public Libraries;
- f) Municipal Parks;
- g) Keene Medical Centre
- h) Transfer Station
- i) Vacant parcel / lot of land owned by the Municipality

8.1.4 Election signs shall not be placed/affixed to any building owned, leased or operated by the Township of Otonabee-South Monaghan.

8.1.5 Election signs shall not be permitted on a municipal road allowance immediately adjacent to the properties noted in Section 8.1.3 of this by-law.

8.1.6 Election signs shall not be in or on a vehicle that is parked or located on any municipal property if it is visible from outside of the vehicle.

8.1.7 For a Municipal Election, no person shall place or permit to be placed an Election sign outside the boundaries of the electoral district where the Candidate is running for office.

8.1.8 No Candidate, Third Party Advertiser, agent, or any other person may put up, place, post, display, keep, change, or maintain an Election Sign except where this by-law or other applicable legislation specifically allows it.

8.1.9 Election Signs allowed under this section may be placed within the Road Allowance only if the total sign area is no more than 3 square metres (32 sq. ft) and sign height no greater than 2 metres (6.6 ft) above the surrounding ground. The sign must be placed as close to the fence line as possible and must not be placed between the edge of the pavement and the centre line of the ditch.

8.2 Private Property

Election signs may be erected on private property subject to the following conditions:

- Elections signs shall be erected only with the consent of the respective owner or tenant;
- Election signs shall not restrict any sightline of a pedestrian or vehicle on a Public Highway

8.3 Timing

No person shall place or permit to be placed an Election Sign for a municipal election or by-election earlier than the day following the close of Nomination Day in the year of that election.

8.3 Sign Maintenance

Election signs shall, at all times be maintained in a state of good repair.

8.4 Use of Municipal Logo, Crest, Seal

The Municipality's logo, crest, coat of arms, slogan, and other similarly branded corporate resources or trademarks shall not be used on any Election Signs.

8.5 Campaign Advertisements

8.5.1 Section 88.3 (2) of the *Municipal Elections Act, 1996*, as amended, sets out that an election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate. A candidate election campaign sign that states the following will be deemed to meet the requirements of the Act:

- a) The name of the candidate or the name of the candidate in combination with the words "Elect (candidate's name)"; or
- b) "Re-elect (candidate name)"; or
- c) "Vote (candidate name)"; or
- d) "(Candidate Name) for the office of (i.e. Mayor, Deputy-Mayor, Councillor)".

8.5.2 Section 88.3 (2) of the *Municipal Elections Act, 1996*, as amended, sets out that a candidate shall not cause an election campaign advertisement

to appear unless he or she provided the following information to the broadcaster or publisher in writing:

- a) The name of the candidate
- b) The name, business address and telephone number of the individual who deals with the broadcaster or publisher under the direction of the candidate.

9.0 Removal of Election Signs

- 9.1 Any Election Sign erected, installed, posted, displayed, maintained, altered or kept in the Road Allowance and found to be in violation of this by-law shall be subject to seizure by the Township and such seized sign shall be stored for up to seven (7) days after voting day.
- 9.2 A Candidate, Third Party Advertiser, or any person acting on behalf of a Candidate or Third-Party Advertiser may retrieve a sign stored by the Township but the Township may, without notice or compensation to any person, destroy or otherwise dispose of any Election Sign that has not been retrieved within the aforementioned period.
- 9.3 No person shall deface, relocate, remove, willfully cause damage or permit the cause of damage to a lawfully erected Election Sign placed within the Road Allowance, except for the Candidate or Third-Party Advertiser to whom the Election Sign belongs.
- 9.4 The Municipality reserves the right to remove any offending Election Sign, any Election Sign placed within a Road Allowance that is deemed to be a hazard or otherwise that is in non-compliance with this by-law without notice to any person, including the Candidate or Third-Party Advertiser, and without compensation.
- 9.5 Every person shall fully remove their election signs within 72 hours (3 days) immediately following the end of Voting Day at their own expense.

10.0 Liability for Damages

The Township shall not be responsible for any damage to, or loss of, an Election Sign that was displayed in compliance with this by-law or removed by the Township under this by-law.

11.0 Vandalism

The investigation or prosecution for any acts of vandalism to election signs or campaign material of the candidates should be referred to the Ontario Provincial Police by the complainant. The Township or any of its municipal employees or agents will not be responsible.

12.0 Interpretation

12.1 Words importing the singular number only include more persons, parties or things of the same kind than one.

12.2 Where a distance is used in this by-law, as part of an Election Sign location regulation, such distance shall be measured in a straight horizontal line parallel to the ground; and

- Where the specified distance is referenced from an intersection, shall be measured from the projection of the closest curb line of the intersecting highway, to the nearest part of the Election Sign; and
- Where the specified distance is referenced from a street line, property line or other sign, object, structure, or property shall be measured from the nearest part of the said reference to the nearest part of any Election Sign, in all directions.

13.0 Third Party Advertisers

13.1 Registration

A Third-Party Advertiser must be registered with the Clerk prior to erecting any Election Signs

13.2 Required Information

Election signs erected by a Third-Party Advertiser or their agents shall contain valid and up-to-date contact information, including:

- a) The name of the Third-Party Advertiser;
- b) The municipality where the Third-Party Advertiser is registered, and
- c) A telephone number, mailing address or email address at which the Third-Party Advertiser may be contacted.

14.0 Enforcement

This By-law may be enforced by:

- the Director of Public Works or designate;
- Township By-law Enforcement Officers;
- Police Officer employed by the Ontario Provincial Police or the Royal Canadian Mounted Police

15.0 Other Approval Authorities

15.1 Election signs or similar campaign material that will be installed or affixed to the Ministry of Transportation road network or The County of Peterborough road network will require explicit permission by these respective approving authorities.

15.2 Election signs or similar campaign material that will be installed or affixed to Poles belonging to Hydro One Network, Bell Canada or other public utility shall require the permission of these respective approving authorities. The Candidate shall provide such permission to the Clerk or designate of the township.

15.3 Notwithstanding the above, should any approval authority delegate its powers and duties to the Township of Otonabee-South Monaghan regarding election signage and/or campaign advertising, this by-law shall be applicable.

16.0 Severability

In the event that a section or sections of this by-law thereof are found by a Court of competent jurisdiction to be invalid or ultra vires, such section, sections or parts thereof shall be deemed to be severable with all other sections or parts of this by-law remaining in full force and effect.

17.0 Repeal

Township of Otonabee-South Monaghan By-law 2022-12 is hereby repealed.

Read a First and Second time this 20th day of April, 2026.

Read a Third time, signed and sealed with the Corporate Seal this 20th day of April
A.D. 2026.

Mayor – Joe Taylor

Clerk – Heather Scott