

The Corporation of the Township of Huron-Kinloss



BY-LAW No. 2026 - 38

Being a By-Law to Regulate Election Signs within the Township of Huron-Kinloss

WHEREAS Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS subsection 11(3) paragraph 7 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a lower-tier municipality to pass By-laws respecting matters within the sphere of jurisdiction of structures, including fences and signs;

AND WHEREAS Council passed By-law No. 2019-140 to prohibit and regulate signs or other advertising devices, and By-law No. 2022-23 to specifically regulate election signs;

AND WHEREAS the Council of The Corporation of the Township of Huron-Kinloss deems it advisable to make changes to By-law No. 2022-23 as per Report CLK-2026-

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows;

1.0 Definitions

"By-Law Enforcement Officer" means a commissionaire, assistant or any other officer or civilian person appointed by the Township of Huron-Kinloss to enforce or carry out the provisions of this by-law or any part or parts thereof.

"Candidate" shall have the same meaning as in the *Canada Elections Act*, the *Elections Act (Ontario)* or the *Municipal Elections Act*, as applicable, and shall be deemed to include a person seeking to influence other persons to vote for or against any question or By-law submitted in accordance with the Municipal Elections Act.

"Erect", "Erected" and "Erection" means attached, altered, built, constructed, reconstructed, enlarged or moved but does not include copy changes on any sign.

"Election Sign" means:

- any sign advertising or promoting the election of a political party or of any candidate standing for public office;
- any sign intended to influence persons to vote for or against any candidate or any question or By-law submitted to the electors in accordance with the Canada Elections Act, the Elections Act (Ontario) or the Municipal Elections Act.

"Owner" means a person or their authorized agent in lawful control of the premises, building, occupancy, sign or other structure or portion thereof under consideration.

“Registered Third Party Advertiser” means, in relation to an election in a municipality, an individual, corporation or trade union that is registered in accordance with the *Municipal Elections Act, 1996*, as amended.

“Road Allowance” means any Provincial, County or Municipal owned land open and maintained as a public highway, including sidewalks, bridges, multiuse trails, and other portions of land within the road allowance designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of the road allowance.

“Roadway” means the part of the road allowance that is improved, designed or ordinarily used for vehicular traffic and includes the gravel shoulder of the road.

“Sign” means a display board, electronic display, screen, cloth or structure having characters, letters or illustration applied thereto or displayed thereon in any manner, including signs within a building visible from the street, and shall include the posting or painting or an advertisement or a notice on a building or structure advertising a place of business, product, activity, or a special happening.

“Site Triangle” means the triangular space formed of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 6m from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street line or the intersection of the tangents to the street lines.

“Third Party Advertiser” means an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*.

“Township” means the Corporation of the Township of Huron-Kinloss

“Voting place” means a location designated in accordance with the *Municipal Elections Act, Election Act or Canada Elections Act* where electors cast their ballots and:

- a) When a voting place is located on Public Property, it includes all the areas enclosed by the lot lines of the property and any highway that abuts the property; and
- b) When a voting location is located on Private Property, it includes all of the area enclosed by the lot lines of the property, all common elements, and any highway that abuts the property.

2.0 General Provisions

- 2.1 No person shall affix, erect or otherwise display an election sign except as permitted by this By-law.
- 2.2 No person shall pull down or remove a lawfully erected election sign without the consent of the candidate to which the election sign relates or the owner of the property on which the election sign is erected.
- 2.3 The candidate to whom the election sign relates shall be responsible for the erection, maintenance or display of the election sign and shall ensure that all the requirements of this By-law have been met.
- 2.4 No person shall deface or willfully cause damage to a lawfully erected election sign.
- 2.5 No person shall display on any election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Township.

3.0 Prohibited

- 3.1 No person shall affix, erect or otherwise display an election sign or permit an election sign to be affixed, erected or otherwise displayed:

- a. on a utility pole, light pole, traffic sign or device, utility box, tree, planter, bench, waste receptacle, newspaper box or mailbox located on a road allowance;
- b. At any location where the election sign:
 - i. obstructs the view of any pedestrian or driver of a motor vehicle, or obstructs the visibility of any traffic sign or device, or where it may interfere with vehicular traffic potentially endangering any person;
 - ii. constitutes a danger or hazard;
- c. that is illuminated, animated or rotating;
- d. on all Township owned land within the Township of Huron-Kinloss excluding road allowances;
- e. at any time on any election voting day, including those days when advance election voting is held, place an election sign, or cause an election sign to be placed on any premises used as a polling place or information centre for an election.

4.0 Road Allowance

- 4.1 No person shall place an election sign, or cause an election sign to be placed on a road allowance if the election sign or any portion thereof is:
 - a. on or over a roadway or sidewalk;
 - b. within the sight triangle
 - c. located on any centre median, traffic island or centre boulevard within a road allowance;
 - d. greater than 1.5m² (16.15ft²) in sign face area;
 - e. greater than 1.25 m (4.10ft) in height;
 - f. not mounted on its own support affixed and secured directly to the ground;
 - g. in any location described in Section 3.1 (b) of this by-law.

5.0 Mandatory Information on Election Signs and Advertisements

- 5.1 All persons, including Candidates and Third-Party Advertisers shall comply with the sign and advertisement requirements set out in Municipal Elections Act as amended, and all other all applicable provisions and regulations under the Federal, Provincial and local regulations.

6.0 Election Signs on Private Property

- 6.1 No person shall erect an election sign on private property:
 - a. without the consent of the owner or tenant of the property;
 - b. if the sign is deemed to interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - c. in any location described in Section 3.1 (b) of this by-law.
- 6.2 The use of sign structure other than a ground sign is permitted in all zones other than the Residential zones subject to compliance with the provisions of this By-law and in accordance with the permitted size, height and sign location restrictions provided in the Township of Huron-Kinloss Sign By-law.

7.0 Timing

- 7.1 No candidate or agent or Registered Third Party Advertiser or agent or any other person shall affix, erect or otherwise display an election sign or permit or cause an election sign to be erected, affixed or otherwise displayed prior to the issuance of writs for a provincial or federal election or prior to the day after Nomination Day of a municipal election.

7.2 Every person who erects an election sign shall remove the sign within 7 days immediately following the election.

8.0 Removal of Unlawful Election Sign

8.1 Where an election sign has been affixed, erected or otherwise displayed on a road allowance or on property owned by the Township, in contravention of any provision of this By-law, the By-law Enforcement Officer, or any other individual designated by the Clerk of the Municipality, may cause the election sign to be removed immediately without notice and further action may be taken as provided in this By-law.

8.2 Signs that have been removed shall be stored by the Township for a maximum of ten (10) days during which time the owner of the sign or the owner's agent may retrieve the sign.

8.3 Any election sign that is stored by the Township for more than ten (10) days and not retrieved by the owner of the sign or their agent within that period of time may be destroyed or otherwise disposed of by the Township without notice and without compensation to the owner of the sign.

9.0 Liability

9.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placing of such signs or resulting from negligence or willful acts of such person, or their agents or employees, in the construction, erection, maintenance, repair or removal of any such signs. Likewise, the provisions of this section shall not be construed as imposing on the Township, its officers, employees, servants, agents and contractors, any responsibility or liability whatsoever by reason of the removal of any sign.

10.0 Enforcement – Provincial Offences Act

10.1 Where any person is directed or required by this By-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at the person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act.

10.2 Every person who contravenes any of the provisions of this By-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the Provincial Offences Act.

10.3 By-law No. 2024-40 as amended, the Administrative Penalties By-law applies to each administrative penalty issued pursuant to this By-law.

10.4 Each person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice, and in accordance with the Administrative Monetary Penalty System By-law, be liable to pay to the municipality an administrative monetary penalty.

11.0 Conflict

11.1 In the event of a conflict between this By-law and the provisions of another By-law of the Township regulating signage, the provisions of this By-law shall prevail.

12.0 That By-law No. 2022-23 is hereby repealed.

13.0 That this by-law shall come into full force and effect upon its final passage.

14.0 That this by-law may be cited as the “Election Sign By-law 2026”.

READ a FIRST and SECOND TIME this 20th day of April, 2026.

READ a THIRD TIME and FINALLY PASSED this 20th day of April, 2026.

Mayor

Clerk

By signing this by-law on April 20, 2026 Mayor Murray confirmed that they will not exercise the power to veto this by-law.