



Town of Huntsville Staff Report

Meeting Date: January 29, 2025

To: General Committee

Report Number: CORP-2025-7

Confidential: No

Author(s): Tanya Calleja, Director of Legislative Services/Clerk

Subject: Municipal Election Sign By-law - Repeal and Replace

Report Highlights

Approval of amendments to the Town's Election Sign By-law and Fees and Charges By-law.

Recommendation

IT IS RECOMMENDED THAT: the draft Election Sign By-law attached as Schedule "B" to Report CORP-2025-7 be approved;

AND FURTHER THAT: the amendment to Fees and Charges By-law 2024-107 to include a new fee of \$50.00 (per sign) for the removal of signs found in violation of the Election Sign By-law, be approved;

AND FURTHER THAT: both By-laws be presented to Council for consideration.

Background

Through 2018 Resolutions 60-18 and 63-18, Council approved By-law 2018-22 to regulate election signs for municipal, provincial and federal elections. Prior to 2018 election signs were addressed through the Town's Sign By-law. Staff believed a stand-alone Election Sign By-law was required to provide a more thorough and easier understanding of the rules and regulations surrounding signs for candidates, registered third party advertisers and the public. In preparation of the 2022 Municipal Election, staff made a minor amendment to the By-law to clarify the definition of a Voting Place.

Prior to the passage of By-law 2018-22, in 2016 Council directed staff to review the possibility of prohibiting elections signs within the municipality outright. Staff reported back that they believed there was case law in place that would have prohibited it.

Discussion

The proposed amendments are a joint effort between the Muskoka Clerks to update and modernize each Election Sign By-law by providing one consistent by-law amongst all Muskoka municipalities. One difference to remain is regarding the delivery of penalties as some propose to move to their Administrative Monetary Penalty (AMP) programs rather than to provide for a preapproved number of set fines under the Provincial Offences Act. Huntsville staff are proposing to change to the Town's AMP's program.

The Muskoka Clerks Report, attached as Schedule "A" outlines the analysis determining the proposed changes.

Staff have attached a red-lined version, outlined as Schedule "B", which outlines a large number of changes; however, many changes are the result of the updating of wording or the restructuring of sections within the By-law.

The main key changes to note are:

- Updates to definitions.
- Prohibition of election signs on public property, including road allowances.
- Addition of a procedure for the removal of candidate signs.
- Changing from a set fine penalty under the Provincial Offences Act to the Town's Administrative Monetary Penalty Program.

Definition Updates

Updates are to modernize and to provide additional clarity to the definitions as well as to provide for updates from proposed changes within the By-law.

Prohibition of Election Signs on Public Property, Including Road Allowances

Elections signs have always been one of the most inquired about matters during an election. The Clerks and By-law Departments spend a great deal of time during an election addressing questions and/or complaints regarding elections signs, such as the disappearance of a candidates signs, the placement of signs, and the number of signs in an area etc.

The Muskoka Clerks are recommending the move to allow for election signs on private property only, for a few reasons. The Muskoka area is exceptionally beautiful in the summer and fall. The posting of election signs everywhere on public property, boulevards, medians take away from the exceptional landscape and can take on a look of clutter. Second, Huntsville Council continues to recognize and work towards the reduction of environmental impacts in all areas, such as reducing single-use plastics and the promotion of electronic methods as election signs have production and waste impacts. Third, the workload increases for Clerks and By-law staff with investigating complaints. Although each candidate's package contains all information on election signs, it continues to be an area of challenge. The elimination of election signs on public property and allowing for them on private property only, is anticipated to reduce this.

Procedure for the Removal of a Candidate's Sign

The current version of the Election Sign By-law allows for the removal of an election sign that has been installed, affixed or otherwise displayed in contravention of any provision of the By-law; however, it does not address what happens with the sign once removed by staff. This section

provides timelines and a fee for the expense of storing the sign and the retrieval by the candidate. Staff propose an amendment to the Fees and Charges By-law for the removal of a sign at \$50.00/sign.

Administrative Monetary Penalty (AMP) Program

As in all previous elections, the first response to a conflict with the Election Sign By-law will be to educate and advise candidates. It is not the desire of staff to impose a penalty. Staff will first inform each candidate of any issues that become known and advise and work with them as to their recourse. The AMPs program will be in place in instances where staff's direction has not been heeded after they have been advised. The AMPs program fees are outlined in the Fees and Charges By-law as:

I.2 Administrative Monetary Penalties

Fee	Unit/Notes	2024	2025
Administrative Monetary Penalty (AMP)	First Occurrence	\$275	\$500
	Second Occurrence	\$550	\$1000
	Third Occurrence	\$800	\$1500

Schedule of Muskoka Municipalities for Adoption of the Proposed By-law

- Town of Bracebridge:
 - Adopted on November 13, 2024.
- Town of Gravenhurst:
 - Adopted on November 19, 2024.
- Town of Huntsville:
 - Report (January 29, 2025), adoption of By-law proposed on February 24, 2025.
- Township of Georgian Bay:
 - Report (February 3, 2025), adoption of By-law proposed on March 3, 2025.
- Township of Muskoka Lakes:
 - Report (February 12, 2025), adopted of By-law proposed on March 12, 2025.
- Township of Lake of Bays:
 - TBD.

Options

- Schedule "A" - Muskoka Clerks Report
- Schedule "B" - Proposed Election Sign By-law - Redline Version

Capital

N/A

Operational

Nil

Council Strategic Direction / Relevant Policies / Legislation / Resolutions

Canada Elections Act, SC 2000, C.9

Municipal Act, 2001, S.O. 2001, c. 25

Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.

By-law 2018-22 - Election Sign By-law, as amended

By-law 2022-54 - Administrative Monetary Penalty, as amended

By-law 2024-107 - Fees and Charges Bylaw, as amended

Attachments

[Schedule A - Muskoka Clerks Report](#)

[Schedule B - Proposed Election Sign By-law - Redline Version](#)

Consultations

Corey Crewson, By-law Enforcement Officer (Reviewed draft by-law)

Chris Nagy, Manager of Building and By-law Services/CBO (Reviewed draft by-law)

Muskoka Clerks

Respectfully Submitted: Tanya Calleja, Director of Legislative Services/Clerk

Manager Approval (if required): _____

Director Approval: _____

CAO Approval: Denise Corry, Chief Administrative Officer



Muskoka Clerks Report

TO: Muskoka Lower-Tier Councils

FROM: Muskoka Clerks

SUBJECT: Election Sign By-law

ORIGIN

1. For more than a decade, the Muskoka Clerks have met on a regular basis to discuss existing and emerging issues and information in an effort to work collaboratively to address areas of mutual interest.
2. In particular, over the course of the past four municipal elections the Muskoka Clerks have worked very closely to share best practices, resources, advertising, training, and educational outreach to the public to provide efficiencies. The development of common Election Procedures, by-laws, forms, and joint procurement initiatives (where possible), ensures consistency, reduces voter confusion, and alleviates workload pressures.
3. As an outflow of previous election cycles including the 2022 Municipal Election, the Muskoka Clerks identified the need to review and modernize Election Sign By-laws throughout Muskoka and believe that a consistent approach in all six (6) Muskoka lower-tier municipalities would be ideal.

ANALYSIS

4. Moderate collaboration with respect to Election Sign By-laws has occurred in the past and there are similarities in some areas of each by-law. There remains, however, differences that are significant enough, particularly in boundary areas, to cause confusion and frustration for candidates, third party advertisers, voters and staff around enforcement and compliance issues as opposed to the actual purpose of election signs – to promote, support or take a position on a candidate, third party advertiser, or political party.
5. In considering a Muskoka-wide approach to Election Sign By-laws, the Muskoka Clerks along with enforcement staff reviewed past experiences to determine where the challenges with the current by-laws exist; considered feedback and environmental factors; and evaluated approaches in other Ontario municipalities that could be implemented to address areas of concern.
6. Considerations and concerns can be summarized as follows:
 - 6.1. **Complaints and Resources:** The enforcement of election sign infractions is not an effective use of scarce municipal resources with the majority of complaints lodged by candidates about other candidates. While complaints are received at all phases of the election cycle, they significantly accelerate during the end of the race when staff resources are needed to support electors voting versus candidate complaints.



Muskoka Clerks Report

- 6.2. **Impact on the Beauty of the Landscape:** The abundance of signs during elections detract from the natural beauty of Muskoka not only for residents but also tourists and visitors seeking the perfect backdrop for photos and memories. Sometimes the signs are moved by others to accommodate the backdrop resulting in them moving from a permitted to an illegal location without the candidate's knowledge or consent.
- 6.3. **Implied Support:** The placement of election signs on road allowances (highways) abutting private residential and commercial properties is an area of concern often raised by property owners. Generally, the public does not differentiate road allowances as separate and apart from private property. Owners raise concerns about implied support if a sign is placed on a road allowance in front of their property and request municipal resources to relocate the sign.
- 6.4. **Information, Awareness and Engagement:** Election signs alert the travelling public that an election is underway however do not provide information regarding the candidates themselves or their respective position on issues. While engagement of electors is a joint responsibility of the candidates and electors, the most common feedback from electors is the lack of information available about candidate platforms or in-person engagement opportunities.
- 6.5. **Production and Waste:** The majority of election signs are made of plastic and while some may be recycled or reused for other purposes or future elections, environmental considerations around manufacturing, litter, and a focus on waste reduction remain. If signs fall over, they may be blown into ditches or waterways and not picked up after the campaign causing more pollution issues.
- 6.6. **Safety:** The placement of signs along roadways and intersections create a visual distraction for motorists, may reduce reaction time to sudden situations, and could impede observation of regulatory signs.
- 6.7. **Sign Blindness:** This is a phenomenon that occurs when the same sign is encountered repeatedly and is then eventually ignored.
- 6.8. **Sign Pollution:** During elections the number and prevalence of election signs along roadways and throughout municipalities is excessive in many respects. In high traffic locations such as intersections and along arterial roadways it is not uncommon to see multiple signs for each candidate extending significant distances.
- 6.9. **Theft and Vandalism:** Unfortunately, situations of this nature do occur and are directed to the Ontario Provincial Police, causing strain on already scarce resources that should be focused on more pressing community safety matters.
- 6.10. **Voter turnout:** Many factors contribute to voter turnout including, but not limited to: contentious issues, demographics, human interest, high profile mayoral race, acclamations, voting methods and general voter apathy.



Muskoka Clerks Report

The average voter turnout for 2022 reported on the AMO 2022 Ontario Municipal Elections Results Website¹ was 36.30% which was down from 38.31% in 2018. There is limited data around any correlation between voter turnout and election signs.

Historical and current voter turnout for the Muskoka municipalities is as follows:

	1997	2000	2003	2006	2010	2014	2018	2022
Bracebridge	43%	39%	39%	37.45%	43.75%	42.14%	39.40%	36.4%
Georgian Bay	23%	30%	42%	35.58%	44.9%	44.7%	38.10%	17.2%
Gravenhurst	N/A	N/A	36%	44.5%	46%	36.5%	30.34%	32.8%
Huntsville	24.89%	N/A	20.72%	31.59%	46.4%	46.33%	35.15%	36.9%
Lake of Bays	N/A	43%	46.36%	34.9%	45.83%	39.58%	37.80%	29.08%
Muskoka Lakes	24.9%	25.2%	34%	37.9%	40.3%	44%	40.83%	35.4%

7. When regulating election signs, it is important to note that there are several agencies at different levels of government with provisions relating to this topic. Generally, these provisions are outlined as follows:

7.1. **Elections Canada** states that the *Canada Elections Act* does not deal with political signs outside federal election periods. During an electoral event (a federal election, by-election, or referendum), the following rules apply:

7.1.1. **Signs on Private Rental Property:** property owners do not have the right to prevent tenants from putting up election posters on the premises they lease in an apartment building. However, property owners do have the right to set reasonable conditions on the size and type of poster, and to prohibit posters in common areas.

7.1.2. **Signs on Public Property:** No one can interfere with the transmission of a public advertisement, such as an election sign. However, government representatives may remove signs that do not abide by provincial regulations or municipal by-laws, after informing the person who authorized the posting of the sign that they plan to remove. Public authorities may remove a sign without notice if the sign is a safety hazard.

7.2. **Elections Ontario** states that the *Election Finances Act* does not address where signs can or cannot be placed. Where public property is involved, this may fall under the jurisdiction of the local municipality or, when placed near a highway, it may fall under the jurisdiction of the Ministry of Transportation.

¹ 2022 Ontario Elections Results Website, Association of Municipalities Ontario <https://elections2022.amo.on.ca/web/en/home>



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- 7.3. **Ministry of Transportation** provides for the placement of election signs on provincial properties including highways in accordance with the [Ministry of Transportation General Guidelines for Election Signs](#).
- 7.4. **Upper Tier (District) Sign By-law** provides that political campaign signs may be permitted within the limits of a District road allowance provided they comply with the applicable by-law of the local municipality.
- 7.5. **Municipal Elections Act:** For Third Party Advertisers, the Municipal Elections Act, Section 88.5(1) states that advertisements, including election signs, must contain the name of the registered third party, municipality where the registration occurred, contact information (telephone number, mailing address or email).
8. As part of the candidate nomination and third-party advertiser registration process for municipal elections, each Clerk provides an information package that includes educational information and a copy of the current Election Sign By-law. Education opportunities also include public-facing information on websites and social media that provide plain-language information about the regulations. Federal and Provincial party associations are provided with election sign by-law information prior to each election at this level.
9. In light of the concerns and considerations noted previously, a review of other election sign by-laws and emerging trends was undertaken. Notably, Ajax, Barrie, Kingston, Markham, Mississauga, Renfrew, Whitby and York Region have fully restricted election signs from all public property including municipal highways. Others have taken a more conservative approach and partially restricted election signs on public property and some highways.
10. Additionally, many municipalities, including some in Muskoka, charge a fee for retrieval of signs that are removed due to non-compliance with the Election Sign By-law.
11. Given some of the current challenges and emerging trends, the Muskoka Clerks are recommending that each Lower-tier Council in Muskoka consider a similar Election Sign By-law that would prohibit the placement of election signs for municipal (including school boards), provincial and federal elections on any public property including highways (save and except those outside of municipal jurisdiction).
12. This course of action would not eliminate election signs altogether, but only permit them on **private property** with the **consent of the property owner** in accordance with the provisions for size, location, spacing, etc. Candidates and third party advertisers would be required to engage directly with property owners before placing a sign, rather than potentially indiscriminately covering an area without any connection to the neighborhood or property.
13. It is anticipated that incidents of theft, vandalism and non-compliance are less likely to occur on private property, thereby exponentially reducing the impact of the concerns and considerations noted above.



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14. Further, introducing a consistent recovery fee of \$50 per sign will encourage candidates to ensure that the placement and maintenance of signs on private property remain in compliance with the Election Sign By-law.
15. It is recommended that the proposed Election Sign By-law shown in Schedule “B” be enacted in each of the six (6) Lower-Tier municipalities in Muskoka.

ALTERNATIVE(S)

16. The following alternatives are available for consideration:

Alternative #1 The proposed Election Sign By-Law could be voted down and the current Election Sign By-Laws remain in effect. **(Recommended)**

This alternative is not recommended as the existing Election Sign By-Laws do not address the challenges and considerations outlined in the Muskoka Clerks report.

Alternative #2 Committee could recommend that designated locations be identified for Election Signs on public property.

This alternative is **Not Recommended** as the locations that are generally most appealing are located in areas where safety, theft, vandalism and complaints predominantly occur.



Legend:

- **Black** font = no change
- **Blue** font = current wording to be removed
- **Red** font = New wording

THE CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2025-XX

Being a By-law to Regulate Election Signs in Municipal,
Provincial and Federal Elections

WHEREAS Section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act 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 WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the Municipal Act provides that a municipality may pass By-laws respecting structures including fences and signs;

AND WHEREAS Section 99 of the Municipal Act provides rules that apply to a By-law of the municipality respecting advertising devices, including signs;

AND WHEREAS Pursuant to Section 425 of the Municipal Act, a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Pursuant to Section 426 of the Municipal Act, 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 Act or under a By-law passed under this Act;

AND WHEREAS Section 429 (1) of the Municipal Act, states a municipality may establish a system of fines for offences under a By-law of the municipality passed under this Act, unless, under Section 429 (4), if the provisions of any other Act, other than the Provincial Offences Act, provide for the fines for a contravention of a By-law of a municipality, the municipality cannot establish a system of fines under this section with respect to the By-law;

AND WHEREAS Section 429 of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Section 434.1 (1) of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Pursuant to Section 436 of the Municipal Act, a By-law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law;

AND WHEREAS ~~Bill 181, being the *Municipal Elections Modernization Act, 2016* states that any Section 88.3(2) of the *Municipal Elections Act, 1996*, states that an~~ election campaign

advertisement purchased by or under the direction of a candidate, ~~will be required to~~ shall identify the candidate;

AND WHEREAS Section 88.7 of the *Municipal Elections Act, 1996*, ~~S.O. 1996, c.32, Sched.~~ states that ~~where~~ if a municipality is satisfied that there has been a contravention of section 88.3, 88.4 or 88.5, of the same, ~~the Act with regard to a sign used as a Third Party Advertisement, the municipality may require the sign to be removed;~~ the municipality may require a person who the municipality reasonably believes contravened the section or caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to remove the advertisement or discontinue the advertising;

AND WHEREAS Section 37 (2) of the *Election Finances Act, 1990* states that no party, constituency association, third party or candidate registered under this Act, and no person, corporation or trade union, whether acting with or without the party's, association's, third party's or candidate's consent, shall arrange for or consent to political advertising that appears during a blackout period;

AND WHEREAS Section 320 of the *Canada Elections Act, 2000* requires that a candidate or registered party, or a person acting on their behalf, who causes election advertising to be conducted shall mention in or on the message that its transmission was authorized by the official agent of the candidate or by the registered agent of the party, as the case may be;

AND WHEREAS Section 323 (1) of the *Canada Elections Act, 2000* states that no person shall transmit election advertising to the public in an electoral district on polling day before the close of all of the polling stations in the electoral district;

AND WHEREAS by motion GCXX-25, the Council of The Corporation of the Town of Huntsville deems it expedient to pass ~~a by law to regulate election signs in the Town of Huntsville~~ such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

DEFINITIONS

1. IN THIS BY-LAW

1.1. **Agent** means any person who is directly or indirectly working on behalf of a Candidate or Registered Third Party regardless of whether the work is being done on a voluntary or compensated basis or with the direct knowledge or approval of the Candidate.

~~1.2. **Boulevard** means that portion of a highway between the street line and the roadway, which is not used or intended for use for vehicular travel by the general public and includes any landscaped area between a street line and sidewalk including a shoulder.~~

1.2. **Candidate** means a person who ~~is running in a municipal (including local school board), provincial or federal election and shall be deemed to include a person seeking to influence other persons to vote for or against any Candidate or any question or By law submitted to the electors under section 8 of the Municipal Elections Act.~~ has been nominated or registered in a municipal (including district school board as defined in the *Education Act, R.S.O. 1990*), provincial or federal election in accordance with the Prescribed Legislation.

- 1.3. **Clerk** means the Clerk (or their designate) of **The Corporation** of the Town of Huntsville.
- 1.4. **District** means the District Municipality of Muskoka.
- 1.5. **Election Sign** means any temporary notice, device or sign, **that:**
- 1.5.1. ~~outside of any building that advertises or~~ Promotes, supports, opposes or takes a position on a Candidate or political party in a federal, provincial or municipal election (including a district school board as defined in the *Education Act, R.S.O. 1990*) ~~an election of a local board or commission intended to influence persons to vote for or against any Candidate or any question or By-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.;~~
- 1.5.2. Promotes, supports, opposes or takes a position on any question, law or by-law submitted to the electors under Prescribed Legislation.
- 1.6. **Highway** includes a common and public highway, roadway, street, avenue, boulevard, parkway, driveway, square, place, bridge, centre median, traffic island, roundabout, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. ~~but does not include a provincial highway or any highway that is not under the jurisdiction or ownership of the Town.~~
- 1.7. **Officer** means ~~an individual appointed as~~ a Town By-Law Enforcement Officer, a Police Officer or other person appointed by the Town Council to enforce this by-law ~~of the Corporation of the Town of Huntsville.~~
- 1.8. **Official Sign** means a sign or device placed by the Town, ~~or~~ District or other authority under legislation for the purpose of regulating, warning or controlling traffic and includes signs approved by the Ministry of Transportation and signs described in the Highway Traffic Act.
- 1.9. **Prescribed Legislation** means the *Municipal Elections Act, 1996, S.O. 1996, ~~or~~ 32, Sched. the Election Act, R.S.O. 1990, the Canada Elections Act, S.C. 2000,* or such other relevant legislation that regulates Elections or Election Signs.
- 1.10. **Private Property** means lands which are not defined as Public Property or a Public Utility Facility ~~including lands leased by the Town to others.~~
- 1.11. **Public Property** means property owned, leased, operated by or under the control or jurisdiction of the Town ~~of Huntsville~~ or any of its agencies, boards or commissions, and shall be deemed to include highways, public utility facilities, and shall also include municipal transit, transit shelters, benches, municipal garbage containers or any other containers or structures regardless of whether they are owned by the Town ~~but does not include that part of a boulevard as identified in section 3.13. of this by-law.~~
- 1.12. **Public Utility Facility** means a pole, transformer box, service container, equipment or other such structure owned or controlled by an entity that provides a public utility service.

- 1.13. **Registered Third Party** means an individual, corporation or trade union that is registered ~~with the municipality as such~~ in accordance with Prescribed Legislation.
- 1.14. **Restricted period** means the period during which an election sign used as a third party advertisement is permitted as outlined under Prescribed Legislation.
- ~~1.1. **Roadway** means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder.~~
- 1.15. **Sight Triangle** means 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, each such point being 7.5 metres, measured along the street line from the point of intersection of 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 lines or the intersection of the tangents to the street lines.

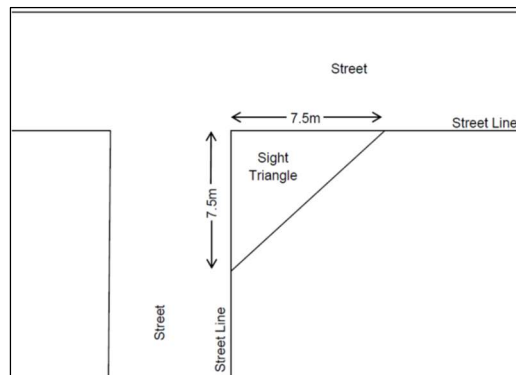


Image 1: Site Triangle diagram

- 1.16. **Sign Face** means the surface of the **Election Sign** upon, against or through which the message of the **Election Sign** is exhibited, but does not include the **Election Sign** structure. ~~An election sign may have a maximum of two (2) back to back faces with the interior angle of the two sign faces not exceeding 90 degrees.~~
- ~~1.19. **Sign Height** means the vertical distance from the ground on which the sign is installed to the highest physical point of the sign.~~
- 1.17. **Street Line** means the limit of a **Highway street or road allowance** as the dividing line between a lot and a ~~street or road~~ **Highway**.
- 1.18. **Third Party Advertisement** means a Third Party Sign.
- 1.19. **Third Party Sign** means an Election Sign not installed or erected directly or indirectly by a Candidate.
- 1.20. **Town** means The Corporation of the Town of Huntsville **and its geographic limits**.
- 1.21. **Voting Place** ~~includes an election help centre and~~ means the entire property and all the boundaries associated with it, when such Voting Place is located within public premises and shall mean all of the common elements when the Voting Place is located on private premises **and includes offices established by election**

provide assistance to electors

officials of federal, provincial or municipal government to conduct an Election or . but a voting place shall not include a space that is being used as a dwelling as provided in section 45 of the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended.

2. SHORT TITLE

2.1. This By-law may be referred to as the “Election Sign By-law”.

3. GENERAL PROVISIONS

3.1. No Candidate, Registered Third Party or their Agent or any other person shall affix, install or otherwise display an Election Sign/**Third Party Advertisement or permit the same to be affixed, installed or otherwise displayed** except as specifically permitted in this By-law or under Prescribed Legislation.

3.2. Every Candidate or Registered Third Party to whom the Election Sign **belongs** ~~relates~~ shall be responsible for the installation, maintenance or display of the Election Sign and shall ensure that all the requirements of this By-law have been met.

3.3. No person shall deface or willfully cause damage to a lawfully installed Election Sign.

~~2. No candidate, registered third party or their agent or any other person shall affix, install or otherwise display an election sign or permit an election sign to be affixed, installed or otherwise displayed:~~

~~2.1. Prior to the issuance of writs for a provincial or federal election;~~

~~2.2. Prior to closing of nominations for a municipal election;~~

~~2.3. Longer than seventy two (72) hours following the election date;~~

~~2.4. Within 100 metres (328 feet) of a voting place;~~

~~2.5. On a vehicle or trailer or any mobile device within 100 metres (328 feet) of a voting place;~~

~~2.6. On private property without having first obtained permission from the property owner;~~

~~2.7. Within 50 meters (164 feet) of any other election sign by the same Candidate when on private property;~~

~~2.8. On or overhanging public property, including a Town park or a facility that is owned or operated by the Town;~~

~~2.9. On a public utility facility;~~

~~2.10. On any official sign;~~

~~2.11. On any tree, stone or other natural object;~~

~~2.12. On any centre median, traffic island, or centre roundabout;~~

~~2.13. Within any sight triangle;~~

~~2.14. On any boulevard except as specifically indicated below:~~

~~3.14.1 A sign is permitted to occupy a boulevard area provided the sign is not greater than 1 metre (39 inches) in height and is not located within 3 meters (10 feet) of the traveled portion of a roadway including the paved shoulder;~~

~~3.14.2 At no time shall a sign interfere with or hinder pedestrian traffic on a town maintained sidewalk;~~

~~2.15. That obstructs the view or interferes with pedestrian traffic, the driver of a motor vehicle, the visibility of any official sign or device, another election sign, or where it interferes with vehicular traffic movement in a manner that could endanger any person;~~

~~2.16. That obstructs or impedes any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department Siamese connections and/or fire hydrants;~~

3.4. Election Sign Physical Characteristics

3.4.1. Election Signs shall be maintained in a proper state of repair and remain safe and aesthetically pleasing for the duration of their display.

3.4.2. Election Signs **shall not**:

~~3.17. That is flashing, inflatable, obsolete, or affixed to a roof;~~

3.4.2.1. Be illuminated, flashing, inflatable, or in any way animated.

3.4.2.2. Have a Sign Face area greater than 2.8 square metres (30 square feet);

3.4.2.3. ~~That can~~ Be designed or located in such a way that can be confused with a traffic sign, signal or official sign;

~~3.19. On any location where the sign might interfere with underground services;~~

~~3.20. Unless the sign is maintained in a proper state of repair and remains safe and aesthetically pleasing;~~

3.4.2.4. Have more than a maximum of two (2) back to back faces with the interior angle of the two Election Sign faces not exceeding 90 degrees.

3.5. Election Signs Content

3.5.1. Election Signs **shall**:

3.5.1.1. In the case of a Candidate Election Sign, clearly identify the Candidate that is responsible for the messaging;

3.5.1.2. In the case of a Registered Third Party, identify the name of the Registered Third Party, the municipality where the Third Party is registered and a telephone number, mailing address or email address at which the Registered Third Party may be contacted, or as otherwise indicated in the respective Prescribed Legislation.

3.5.2. Election Signs **shall not**:

3.5.2.1. ~~That is~~ Be indecent in any word, picture, symbol or the like;

3.5.2.2. Bearing a logo, corporate image, trademark or official mark of the Town ~~of Huntsville~~.

3.6. Timing for Placing Election Signs

3.6.1. Election Signs **shall not** be placed:

3.6.1.1. Prior to the issuance of writs for a provincial or federal election;

3.6.1.2. Prior to the last Monday in August in a regular municipal election;

3.6.1.3. Prior to the closing of nominations for a municipal by-election;

3.6.1.4. Longer than seventy-two (72) hours following the election date.

3.7. Location of Election Signs

3.7.1. Election Signs must adhere to all Prescribed Legislation.

3.7.2. No Election Sign shall obstruct the view or interfere with:

3.7.2.1. Pedestrian traffic;

3.7.2.2. The driver of a motor vehicle;

3.7.2.3. The visibility of any Official Sign or device;

3.7.2.4. Another Election Sign; or

3.7.2.5. ~~Where it interferes with~~ Vehicular traffic movement in a manner that could endanger any person.

3.7.3. No Election Sign shall obstruct or impede any fire escape, fire exit, door, window, skylight, flue, air intake or exhaust so as to prevent or impede the free access of emergency personnel to any part of a building including fire department ~~siamese~~ connections and/or fire hydrants.

3.7.4. No Election Sign shall be placed on a vehicle or trailer or any mobile device **stopped** within 100 metres (328 feet) of a Voting Place.

3.7.5. No Election Sign shall be **placed** or affixed to a roof.

3.7.6. No Election Sign shall be **placed or affixed** on any location where the Election Sign might interfere with underground services.

~~3.23. Within 50 metres (164 feet) of any other election sign by the same Candidate or Registered Third Party when on a boulevard area as identified in section 3.13 of this by-law;~~

3.7.7. Election Signs shall be placed in accordance with the ~~In contravention of the~~ specified dimensions and setbacks ~~as follows~~ outlined below:

Maximum Election Sign Face Area	Minimum Setback from Street Line on Private Property	Maximum Height of Election Sign from Grade	Minimum Setback from a Park, Cemetery, Hospital Public Property not including Highways, a Voting Place or Public or Catholic or School Lot Line	Minimum Setback from Any Other Lot Line
Less than or equal to 1.3 square metres (14 square feet)	1 metre (3.3 feet)	3.7 metres (12 feet)	15.2 metres (50 feet) 50 metres (164 feet)	0.6 metres (2 feet)
Greater than 1.3 square metres (14 square feet) to less than 2.8 square metres (30 square feet)	3.0 metres (10 feet)	3.7 metres (12 feet)	15.2 metres (50 feet) Not permitted.	0.6 metres (2 feet)
Greater than 2.8 square metres (30 square feet)	Not permitted.			

~~3.25. That does not adhere to Prescribed Legislation;~~

~~3.26. Only a registered third party is permitted to erect or install a third party advertisement election sign. At no time is an unregistered third party permitted to erect or install a third party advertisement election sign.~~

3.8. Election Signs on Private Property

3.8.1. Election Signs shall not be displayed without having first obtained permission from the property owner.

- 3.8.2. More than two (2) official Election Signs of the same Candidate/Registered Third Party shall not be displayed on one property.
- 3.8.3. Elections Signs shall not be displayed within 50 meters (164 feet) of any other Election Sign by the same Candidate/Registered Third Party on one property.
- 3.8.4. No person shall pull down or remove or relocate a lawfully installed Election Sign on Private Property without the consent of the Candidate to whom the Election Sign relates or the owner of the property on which the Election Sign is installed.

~~4. Every Candidate or Registered Third Party to whom the election sign relates shall be responsible for the installation, maintenance or display of the election sign and shall ensure that all the requirements of this by-law have been met.~~

~~6. No person shall deface or wilfully cause damage to a lawfully installed election sign.~~

3.9. Elections Signs on Public Property

3.9.1. Election signs are **not permitted**:

- 3.9.1.1. On or overhanging Public Property, ~~including a Town park or a facility that is owned or operated by the Town;~~
- 3.9.1.2. On a Public Utility Facility;
- 3.9.1.3. On any Official Sign;
- 3.9.1.4. On any tree, stone or other natural object;
- 3.9.1.5. Within any Sight Triangle.

4. REMOVAL OF IMPOUNDMENT

- 4.1. Upon receiving notice from the Town, any Candidate or Agent who has caused a Sign to be erected or displayed contrary to the provisions of this By-law, shall:
 - 4.1.1. Remove, at the expense of the Candidate or the Agent, said sign within twenty four (24) hours from the time of notice, unless the sign is made to comply with this By-law before such time elapses.
- 4.2. Where a Sign has not been removed by the Candidate or their Agent, an Officer may cause such Sign to be removed and impounded at the expense of the Candidate or Agent.
- 4.3. A removed Sign shall be impounded by the Town for a period of not less than thirty (30) days. During this time the Candidate or Agent is entitled to redeem such sign upon making payment satisfactory to the Town in the amounts noted in the Town's Fees and Charges By-law, as amended from time to time.

- 4.4. Where the impounding time of a stored Sign exceeds the thirty (30) day period and the sign has not been redeemed, the Town may then destroy or otherwise dispose of the Sign without notice or compensation to the Candidate of the Sign or his or her agent.

5. ADMINISTRATION AND ENFORCEMENT

- 5.1. An Officer or any other individual assisting an Officer or designated by the Clerk may, at all reasonable times, enter upon land for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine whether ~~the~~ **an** Election Sign complies with this by-law and an Officer may be accompanied by other Town ~~of Huntsville~~ employees/agents for this purpose.
- 5.2. Any **Election** Sign, or part thereof, that has been installed, affixed or otherwise displayed in contravention of any provision of this by-law may be removed immediately without notice by an Officer or any other individual designated by the Clerk.
- 5.3. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or any other individual assisting an Officer or any other person designated by the Clerk in exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provisions of this by-law shall identify themselves to an Officer or any other individual assisting an Officer or designated by the Clerk upon request. Failure to identify upon request shall be deemed as obstruction.
- 5.4. The Town shall not be liable for any damage or loss to an Election Sign that was displayed in accordance with this by-law or that was removed by the Town pursuant to the provisions of this by-law.

~~5. OFFENCES AND PENALTIES~~

- ~~5.1. Any person who contravenes any provision of this by-law is guilty of an offence and is, upon conviction, liable to any penalty provided under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.~~
- ~~5.2. Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this by-law.~~
- ~~5.3. For the purpose of this by-law, each day of a continuing offence shall be deemed to be a separate offence.~~

6. PENALTY

- 6.1. A person is guilty of an offence if the person.
 - a) Fails to comply with an order, notice direction or other requirements under this By-law; and/or

- b) Contravenes any provision of the By-law.
- 6.2. A Director or Officer of a Corporation who knowingly concurs in the contravention of this By-law by the Corporation is guilty of an offence.
- 6.3. Any person who knowingly falsely reports a violation of the By-law shall, upon the second and any subsequent false reports, be guilty of an offence.
- 6.4. An Officer may issue an Administrative Monetary Penalty to the Person, Owner, Agent or Person Responsible found in contravention of any provision of this By-law.
- 6.5. Any Person who contravenes any provision of this By-law is responsible for any fines and fees imposed under the Town's Fees and Charges By-law.
- 6.6. Any Person who has been found in contravention of this By-law may request a review if the matter is in accordance with the Administrative Monetary Penalty System By-law.
- 6.7. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33. as amended.
- 6.8. The court in which the contravention has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

7. VALIDITY AND SEVERABILITY

- 7.1. Where any provision of this by-law is conflicting with any other by-law of the Town, this by-law shall prevail.
- 7.2. Every provision of this by-law is declared severable from the remainder and if any such provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of the by-law.

8. FORCE AND EFFECT

- 8.1. This By-law shall come into force and effect on the date of passage.
- 8.2. That ~~sections 2.9, 3.12 and 5.8.1 of By-law 2009-100 be repealed and~~ By-law 2018-22 ~~and amending By-law 2022-21~~ be repealed.

SHORT TITLE

~~18. This by law may be referred to as the "Election Sign By-law".~~

Enacted and passed this XX day of XXXXX 202X.

Entire table to be struck out and removed in place of the Town's AMP program. However red and blue font demonstrated to show how changes would occur if the AMPs program was not being recommended.

THE CORPORATION OF THE TOWN OF HUNTSVILLE

**PART I PROVINCIAL OFFENCES ACT
Schedule "A"**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Permit/Erect/Install Election Sign or Third Party Advertisement	3.1.	\$200.00
2	Deface or cause damage to an Election Sign	3.3.	\$200.00
20 3	Fail to maintain Election Sign in good repair	3.20 3.4.1.	\$200.00
17 4	Erect Election Sign that is illuminated/flushing/inflatable/animated, obsolete, or affixed to a roof.	3.17 3.4.2.1.	\$200.00
4	Erect sign within 100 meters of a voting place	3.4	\$200.00
5	Erect Election Sign with Sign Face greater than 2.8 square metres	3.4.2.2.	\$200.00
18 6	Erect Election Sign that can be confused with a traffic sign, signal or Official Sign	3.18 3.4.2.3.	\$200.00
7	Erect Election Sign with more than 2 back to back faces with an interior angle greater than 90 degrees	3.4.2.4.	\$200.00
8.	Fail to identify candidate on a candidate Election Sign	3.5.1.1.	\$200.00
9	Fail to identify Registered Third Party on a Registered Third Party Election Sign	3.5.1.2.	\$200.00
21 10	Erect indecent Election Sign	3.21 3.5.2.1.	\$200.00
22 11	Erect Election Sign bearing logo/corporate image/trademark/or official mark of the Town of Huntsville	3.22 3.5.2.2.	\$200.00
1 12	Erect Election Sign prior to issuance of writs for provincial or federal election	3.1 3.6.1.1.	\$200.00
12	Erect sign on any centre median, traffic island, or centre roundabout	3.12	\$200.00
13	Erect Election Sign prior to last Monday in August in a municipal election	3.6.1.2.	\$200.00
2 14	Erect Election Sign prior to closing of nominations for municipal election	3.2 3.6.1.3.	\$200.00
14	Erect sign on boulevard where prohibited	3.14	\$200.00
3 15	Fail to remove Election Sign within required time frame	3.3 3.6.1.4.	\$200.00
15	Erect sign obstructs or interferes with a municipally erected official/warning sign	3.15	\$200.00

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
16	Erect Election Sign that obstructs/interferes with pedestrian traffic	3.7.2.1.	\$200.00
17	Erect Election Sign that interferes/obstructs view of driver	3.7.2.2.	\$200.00
18	Erect Election Sign that obstructs/interferes with an Official Sign	3.7.2.3.	\$200.00
19	Erect Election Sign that interferes/obstructs another Election Sign	3.7.2.4.	\$200.00
20	Erect Election Sign that interferes with traffic creating a danger	3.7.2.5.	\$200.00
16-21	Erect Election Sign that impedes/obstructs free access/emergency access personnel to building, fire hydrants and/or Siamese connections'	3.16 3.7.3.	\$200.00
5-22	Erect Election Sign on vehicle or /trailer/mobile device within 100 metres of a Voting Place	3.5 3.7.4.	\$200.00
17-23	Erect Election Sign that is flashing, inflatable, obsolete, or affixed to a roof	3.17 3.7.5.	\$200.00
19-24	Erect Election Sign that interferes with underground services	3.19 3.7.6.	\$200.00
24-25	Erect Election Sign contrary to specified dimensions and setbacks	3.24 3.7.7.	\$200.00
25	Erect/install unRegistered Third Party election sign	3.26	\$200.00
6-26	Erect Election sign on Private Property without permission of private property owner	3.6 3.8.1.	\$200.00
7-27	Erect more than one two Election Signs of the same per Candidate on Private Property	3.7 3.8.2.	\$200.00
23-28	Erect Election sign on Private Property within 50 metres of sign of same Candidate/Registered Third Party on one property	3.23 3.8.3.	\$200.00
29	Remove Election Sign from Private Property with no consent	3.8.4.	\$200.00
8-30	Erect Election Sign on/overhanging Public Property	3.8 3.9.1.1.	\$200.00
9-31	Erect Election Sign on Public Utility Facility	3.9.1.2.	\$200.00
10-32	Erect Election Sign on any Official Sign	3.10 3.9.1.3.	\$200.00

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
11 33	Erect Election Sign on any tree, stone or other natural object	3.11 3.9.1.4.	\$200.00
13 34	Erect Election Sign within any Sight Triangle	3.13 3.9.1.5.	\$200.00
26 35	Obstruct Officer/employee/Agent performing duty under by law	9 4.4.	\$400.00

Note: the general penalty provision for the offences listed above is section 11 of bylaw 2018-22, a certified copy of which has been filed.