

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

By-law Number 2026-033

**being a by-law to regulate Election Signs
within the Township of Southgate and to repeal by-law 2022-004**

Whereas section 11(2) of the *Municipal Act 2001 S.O 2001 c.25* ("The Act") authorizes municipalities to regulate matters for the health, safety and well being of persons and for protection of property; and

Whereas section 11(3) of the *Municipal Act 2001 S O 2001 c.25* provides that councils of lower tier municipalities may pass by laws to respecting structures including fences and signs; and

Whereas section 2(b) of the *Canadian Charter of Rights and Freedoms* protects freedom of expression, including political expression and municipalities must ensure any restrictions are minimally impairing and proportionate to pressing and substantial objectives; and

Whereas Section 63(1) of the Act provides that a municipality, if it passes a bylaw for prohibiting or regulating the placing of an object on or near a highway, to provide for the removal and impounding of such object placed on or near a highway in contravention of that bylaw; and

Whereas Section 425 of the Act establishes that any person who contravenes any bylaw of the municipality, pass under the Act, is guilty of an offence; and

Whereas the Council of The Corporation of the Township of Southgate deems it necessary to regulate the location manner and display of election signs in order to prevent the unlimited proliferation of signs on highways and property that would create dangerous and undesirable situations,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate hereby enacts as follows:

1. Definitions

For the purposes of this By-law:

- 1.1. **"By-law Enforcement Officer"** means a by-law enforcement officer appointed by the Council of the Corporation of the Township of Southgate.
- 1.2. **"Boulevard"** means the part of a Highway from the edge of the roadway to the sidewalk, or if no sidewalk is present, that part of the Highway from the edge of the roadway to the nearest lateral property line of the highway.

- 1.3. **"Campaign Office"** means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present and the public may enter to obtain information about the candidate.
- 1.4. **"Campaign Office Election Sign"** means any sign erected on a campaign office which only displays the name of the candidate in a municipal election, or the name of a candidate and/or or the name and/or the logo of a political party in the federal or provincial election, or the name of a Third Part Advertiser in a municipal election, and the location of candidate's or registered Third Party's campaign office, and contains no other message.
- 1.5. **"Canadian Elections Act"** means the *Canadian Elections Act, S.C 2000, c.9* as amended and any successor legislation.
- 1.6. **"Candidate"** shall have the same meaning as in the Canada Elections Act the Election Act Ontario or the Municipal Elections Act 1996, as amended, 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 1996, as amended.
- 1.7. **"Clerk"** means the Clerk appointed by the Council of the Corporation of the Township of Southgate or a person delegated by them for the purposes of this by-law.
- 1.8. **"Elections Act"** means the *Election Act, R.S.O 1990, C.e.6*, as amended and any other successor legislation.
- 1.9. **"Election Help Centre"** means a place designated by the Clerk where an elector can receive election services, included but not limited to amending the Voter's list, asking questions about the election, and accessing the internet to vote and shall include the entire building and the property associated with it and, when such election help centre is located within a private premises, it shall additionally include all of the common elements/spaces.
- 1.10. **"Election Sign"** means any sign or advertising device, including posters, promoting, opposing, or taking a position in respect to:
 - a) any Candidate or political party in an election held in accordance with the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;

- b) an issue associated with a person or political party in an election under the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;
- c) a question, law or by-law submitted to the electors under the Canada Elections Act, the Elections Act (Ontario), or the Municipal Elections Act, 1996;

- 1.11. **"Façade"** means the exterior wall of a building exposed to public view on the street which bears the municipal address of the building.
- 1.12. **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square place, bridge, 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.
- 1.13. **"Illuminated"** means lighted by any means whatsoever including direct indirect internal and external sources of illumination.
- 1.14. **"Intersectional Pedestrian Signal"** means a traffic control signals and/or stop signs
- 1.15. **"Lot"** shall mean a parcel of land having continuous frontage on a public street described in a deed or other document, which is legally capable of conveying a fee simple interest of land, other than a leasehold interest, easement, or right-of way.
- 1.16. **"Owner"** means the registered owner of the lands and includes any person, firm, partnership, corporation, institution, religious or philanthropic organization, government or governmental agency controlling, maintaining or occupying the lands upon which a sign is or will be erected or displayed.
- 1.17. **"Private Property"** means real property that is not a Highway or Public Property.
- 1.18. **"Public Property"** means real property owned by or under the control of the Township of Southgate, or the County of Grey, Provincial Government, Federal Government or any of their respective agencies, boards or commissions, but for the purpose of this by-law does not include a Highway or real property where one or more persons reside. Property owned by the Township and leased to another person or entity shall not be deemed to be public property.

- 1.19. **“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.
- 1.20. **“Roadway”** means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes the shoulder as the travelled portion of the roadway.
- 1.21. **“Road Allowance”** means the part of the highway located between the shoulder of the highway and the lateral property line of the abutting property.
- 1.22. **“Rotating Sign”** means any sign or portion of a sign which rotates on an axis.
- 1.23. **“Sidewalk”** means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians.
- 1.24. **“Sight Triangle”** means the triangular space formed by the Roadway Lines of a corner lot and a line drawn from a point in one Roadway Line to a point in the other Roadway Line, each such point being 7 metres from the point of intersection of the Roadway Lines (measured along the Roadway Lines). Where the two Roadway Lines do not intersect at a point, the point of intersection of the Roadway Lines shall be deemed to be the intersection of the projection of the Roadway Lines or the intersection of the tangents to the Roadway Lines.
- 1.25. **“Sign Height”** means the vertical height of a sign from the finished grade to the highest part of the sign;
- 1.26. **“Township”** means The Corporation of the Township of Southgate.
- 1.27. **“Voting Location”** means the entire property where an election occurs and all boundaries associated with it when such voting location is located within public premises and shall mean all the common elements when the voting location is located on private premises.

2. General Provisions

- 2.1. No Owner shall place or permit to be placed an Election Sign outdoors within the geographic limit of the Township except in accordance with

this bylaw.

- 2.2. Every Owner shall ensure compliance with the bylaw.
- 2.3. Election Signs are permitted on Public and Private Property, subject to safety, accessibility, and maintenance requirements of this bylaw.
- 2.4. Regulations herein are designed to be minimally impairing and proportionate to the Township's objectives of safety and asset protection.

3. Mandatory Physical Characteristics of Election Signs

- 3.1. With the exception of an Election Sign on a vehicle, no Owner shall place or permit to be placed an Election Sign that:
 - a) Is illuminated
 - b) Has a sign area of more than 1.50 square metres
 - c) Incorporates moving parts or visible mechanical movement of any description
 - d) Has a sign height, including mounts, more than two metres; or
 - e) Interferes with the safe operation of vehicular traffic or the safety and accessibility of pedestrians.
- 3.2. No Election Sign shall be in a state of disrepair, and every Owner shall ensure that the Owner's Election Signs remain in a state of repair.
- 3.3. Damaged or derelict signs must be repaired or removed within 24 hours of notice by the Township.

4. Content of Election Signs

- 4.1. Each election sign shall identify who is responsible for the messaging.
- 4.2. Each Third-Party Sign shall identify the name of the registered Third Party, the Township where the Third Party is registered and a telephone number, mailing address, or email address at which the registered third party may be contacted.
- 4.3. No Owner shall display the Township's logo or the Township's election logo, in whole or in part, on any Election sign.

5. Timing and Placement

- 5.1. No Owner shall place or permit to be placed an Election Sign for a federal or provincial election or by-election earlier than the issuance of

the Writ of Election or By-Election.

- 5.2. No Owner shall place or permit to be placed an Election Sign for a municipal election earlier than nomination day, as identified in the *Municipal Elections Act, 1996*.
- 5.3. A Third Party must be registered with the Clerk prior to erecting any Election Signs.
- 5.4. Every Owner shall ensure that all Election Signs placed by or on behalf of the Owner are completely removed from all locations no later than seventy-two (72) hours following the conclusion of the election day.

6. Locations in General

- 6.1. No Election Sign shall be located where it will interfere with the safe movement or visibility of any vehicle or pedestrian traffic or where it is a general hazard to public safety.
- 6.2. No Election Sign shall be located so as to obstruct or impede any fire escape, fire exist, door, window, scuttle, skylight, flue, air intake or air exhaust, nor so as to prevent or impede the free access of emergency personnel to any part of a building, including any other emergency water connection or fire hydrant.

7. Election Signs on Private Property

- 7.1. No Owner shall place or permit to be placed an Election Sign on private property without the property owner's or an occupant's consent.
- 7.2. Only one single-sided or double-sided Election Sign per candidate will be allowed per private property unless the private property consists of multiple residential properties, then one-sided or double-sided Election Sign per candidate per unit will be allowed, providing that the signs are a minimum of 1 metre apart.
- 7.3. Only one Election Sign per Candidate per 200 metres of frontage is allowed for commercial/industrial properties.

8. Election Signs on Public Property

- 8.1. No Owner shall place or permit to be placed any Election Sign on property within the Township of Southgate for a candidate who is not eligible to be voted for by elections of the Township of Southgate, the applicable provincial electoral district, or the applicable federal

electoral district that includes the Township of Southgate.

- 8.2. No Owner shall place or permit to be placed any Election Signs within the Sight Triangle, nor in locations that obstruct visibility for drivers, cyclists or pedestrians.
- 8.3. No Owner shall place or permit to be placed an Election Sign on a Highway so that the Election Sign:
 - a) Is on a Roadway;
 - b) Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - c) Is within one metre of a curb or pavement edge;
 - d) Is on a median or island located within a roadway;
 - e) Is less than three metres from a School Crossing;
 - f) Is less than 10 metres from an Intersection Pedestrian Signal;
 - g) If on a Highway within a residential zone, is less than 10 metres from another Election Sign for the same Candidate or Third Party; or
 - h) If on a highway within a commercial and/or industrial zone, is less than 20 metres from another Election Sign for the same Candidate or Third Party.
- 8.4 No Owner shall place or permit to be placed an Election Sign on a Highway structure.
- 8.5 No Owner shall dig, drill or drive into asphalt, concrete, brick or any other hard improved surface on a Highway when placing an Election Sign.
- 8.6 No Owner shall drill or drive a wooden, metal, concrete or other Highway structure when placing an Election Sign.

9.0 Election Help Centres or Voting Place

- 9.1 No Owner shall at any time during the Voting Period, including voting day and those days when advance voting is held, erect, cause or

permit to be erected an Election Sign at a Voting Place or Election Help Centre.

10. Removal/Damage to Election Signs

- 10.1 No person shall deface, remove or willfully cause damage to a lawfully erected Election Sign.
- 10.2 When an Officer has reasonable and probable grounds to believe that an Election Sign has been erected, caused, or permitted to be erected in a manner that contravenes any provisions of this by-law, the Officer may cause the Election Sign to be removed without prior notice or compensation.
- 10.3 Election Signs that, in the opinion of the By-law Enforcement Officer, pose a risk to health and safety of pedestrians, cyclists, or motorists shall be removed by an Officer without prior notice or compensation.
- 10.4 The Township may destroy any Election Sign that has been removed and is not claimed and retrieved within five days of notice to the sign owner, without compensation to the sign owner.

11. Liability for Damages

- 11.1 The Township shall not be liable for any damage or loss of an Election Sign that was displayed in accordance with this by-law or that was removed by an officer of the Township.
- 11.2 The provisions of this by-law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning an Election Sign for personal injury or property damage resulting from the erecting of such Election Sign, or resulting from the negligence or willful acts of such person, or their agents or employees, in the construction, erection, maintenance, repair or removal of the Election Sign.

12. Enforcement

- 12.1 Any By-law Enforcement Officer vested with the authority of enforcing the provision of this by-law.

13. Severance

13.1 If any section or part of a section of this by-law is found by any Court to be illegal or beyond the power of Council to enact, such section or part of a section shall be deemed to be severable and all other sections or parts of sections of this bylaw shall be deemed to be separate and independent and shall continue in full force and effect.

14. Offence and Penalty

14.1 Every Owner who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as proved for in the *Provincial Offences Act, R.S.O 1990, c. P. 33, as amended.*

14.2 No person shall hinder or obstruct or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty in the *Municipal Act, 2001, or under a by-law passed under the Municipal Act, 2001.*

15. Enactment

15.1 This bylaw shall come into force and effect on the date it is passed.

15.1 By-law 2022-004 is hereby repealed and replaced.

Read a first, second and third time and finally passed this 2nd day of April, 2026.

Brian Milne – Mayor

Lindsey Green - Clerk