

## THE CORPORATION OF THE CITY OF THOROLD

## BY-LAW NO. 100-2025

A BY-LAW TO MANAGE AND REGULATE ELECTION SIGNS IN THE  
CITY OF THOROLD

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WHEREAS section 8 of the *Municipal Act*, 2001, S.O. 2001, c. 25 (“Municipal Act, 2001” or “the statute”) provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues; and

WHEREAS Section 11 of the *Municipal Act*, 2001, as amended, authorizes the Corporation of the City of Thorold to pass by-laws respecting spheres of jurisdiction that include highways, structures, including fences and signs; and

WHEREAS Section 63 of the *Municipal Act*, 2001, as amended, authorizes the Corporation of the City of Thorold, if it passes a by-law for prohibiting or regulating the placing of an object on a Highway, to provide for the removal of any object placed on a Highway in contravention of that by-law; and

WHEREAS Section 99 of the *Municipal Act*, 2001, as amended, provides rules which apply to a by-law of a municipality respecting advertising devices, including signs; and

WHEREAS Section 425 of the *Municipal Act*, 2001, as amended, establishes that any person who contravenes any by-law of the Corporation of the City of Thorold is guilty of an offence; and

WHEREAS Section 426 of the *Municipal Act*, 2001, as amended, permits a municipality to establish a system of fines for offences under a by-law of a municipality passed under the *Municipal Act*, 2001, as amended; and

WHEREAS Section 434.1 of the *Municipal Act*, 2001 authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws; and

WHEREAS Section 436 of the *Municipal Act*, 2001, as amended, authorizes a municipality to pass a by-law providing that the municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order of licence; and

WHEREAS Subsection 446(1) of the *Municipal Act*, 2001, as amended, provides that if a person is directed or required to do a matter or thing, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person’s expense; and

WHEREAS Subsection 446(2) of the *Municipal Act*, 2001, as amended, authorizes a municipality to enter upon land at any reasonable time for the purposes of Subsection 446(1); and

WHEREAS to provide clarity and ease of reference, Council for the Corporation of the City of Thorold deems it desirable to outline provisions related to Election Signs;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Thorold enacts as follows:

## 1. Purpose

1.1. The purpose of this By-law is to regulate Election Signs within the City of Thorold in a manner that recognizes the importance of the right to freedom of expression under the Canadian *Charter of Rights and Freedoms*, including the display of Election Signs, and seeks to uphold this constitutional rights, subject only to such reasonable limits as are prescribed by law and can be demonstrably justified in a free and democratic society.

## 2. Definitions

In this By-law:

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

“Advance Voting Day” means one (1) or more days that are designed for electors to cast ballots prior to Voting Day.

“Billboard” means an outdoor Sign erected and maintained by a person, company, or business engaged in the sale or rental of the space on the Sign to a clientele. The space on the Sign advertises goods, products, services or facilities not available on the property where the Sign is located. For clarity, “Billboard” shall be considered an “Election Sign” as defined in this By-law.

“Boulevard” means the portion of the Road between a street line and the edge of the curb, or, where there is no curb, that portion of the Road which is travelled or designed to be travelled by vehicles, and includes medians, bulges and traffic islands.

“By-Election” means an Election other than a regular Election.

“Campaign Office” means a non-residential, commercial building or structure, or part of a building or structure, used by a Candidate, an agent of a Candidate, a Registered Third-Party Advertiser, as part of an Election campaign and is registered as the Candidate or Registered Third Party Advertiser’s Campaign Office.

“Campaign Office Election Sign” means a sign displayed at a Campaign Office which displays the name of a Candidate in a municipal or school board Election, or with the name of a Candidate and/or the name and/or logo of a political party in a federal or provincial Election, or the name of a Registered Third Party Advertiser and the location of the Candidate’s or Registered Third Party Advertiser’s Campaign Office in any Election.

“Candidate” means:

- a) a candidate within the meaning of the *Canada Elections Act*, the *Election Act* (Province of Ontario elections), or the *Municipal Elections Act*; and

- b) shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under section 8 of the Act.

“City” means the Corporation of the City of Thorold.

“City Clerk” means the appointed City Clerk of the Corporation of the City of Thorold.

“Election” means any federal, provincial, municipal, or school board Election or by-Election, and any question or by-law submitted to the electors and includes an Election to a local board.

“Election Sign” means a sign advertising, promoting or opposing the Election of a political party or candidate for public office in a federal, provincial or municipal Election and includes promoting the position of a person registered to campaign with respect to a question on the ballot and third-party advertisers’ Election signs. Election signs include but are not limited to Billboards, as well as posters, placards, bulletins, banners, notices and/or signs not permanently affixed to the ground and specifically designed and intended to be readily moved from place to place, which by the use of words, pictures or graphics or any combination thereof is intended to influence, promote, oppose or take a position.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer of the City and includes the Chief Building Official or any other municipal officer authorized to enforce this or any other by-law of the City.

“Owner” means a Candidate or Registered Third Party Advertiser who Places or permits the Placing of an Election Sign or any person described on the Election Sign, whose name, address, telephone number or email address is on the Election Sign or who benefits from the message of the Sign.

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

“Placed” means to attach, install, erect, build, construct, reconstruct, move, display or affix. “Places” and “Placing” shall have the same meaning.

“Private Property” means real property that is not a Boulevard, Public Property, or Road.

"Property" means a parcel of land having specific boundaries which is capable of legal transfer.

"Public property" means property, land, or buildings owned by the City, Region, or a local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended, or owned by the Federal or Provincial government(s).

“Registered Third Party Advertiser” means an individual, corporation, or trade union that is registered in accordance with the requirements for registration in a municipal, provincial, or federal Election or referendum.

“Road” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for use by the public for the passage of vehicles and includes all lands within the limits of the road allowance or right-of-way all of which are owned or within the jurisdiction of the City.

"Sight triangle" means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 9 m (29.53 ft.) along each such street line and joining such points with a straight line, and the triangular shaped land between the intersecting street lines and the straight line adjoining the points the required distance along the street lines is the "day lighting triangle".

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a streetcar (i.e., electric/steam railway) and excludes stationary equipment (i.e., hitch trailer).

"Voting Day" means Voting Day as defined by the Act.

"Voting Location" means a place where electors cast their ballots as approved by the Federal, Provincial or Municipal Election Officials, and includes any street abutting when a Voting Location is located on Private Property or Public Property.

### **3. General Administration**

- 3.1. The City Clerk is responsible for the administration of this By-law.
- 3.2. The City Clerk is permitted to collect payment of the prescribed Election Sign deposit as outlined in Section 9 from election Candidates and Registered Third Party Advertisers.
- 3.3. Election Signs shall only be Placed or permitted to be Placed:
  - a) thirty-five (35) days before Voting Day for a regular Municipal Election; or
  - b) the day following Nomination Day for a Municipal By-Election; or
  - c) in the case of a federal or provincial Election, the day the Writ of Election is issued or any day thereafter.
- 3.4. Notwithstanding section 3.3, Election Signs are permitted at a Campaign Office once the Candidate or Registered Third Party has registered. For the purpose of this section, a Candidate or Third Party may designate only one building or part thereof in the municipality as their Campaign Office at any one time.
- 3.5. Election Signs Placed or permitted to be Placed by a Registered Third-Party Advertiser shall include the following information in accordance with the Act:
  - a) the name of the Third-Party;
  - b) the municipality where the Third-Party is registered; and
  - c) contact information for the Third-Party including a telephone number, mailing address or email address.
- 3.6. A Registered Third-Party Advertiser that does not register in accordance with the Act, Election Act, or Canada Elections Act, as the case may be, is not permitted to Place Election Signs.

### **4. Sign Standards**

- 4.1. An Election Sign shall meet the following maximum size and height requirements:
  - a) Height and width of 5 feet; and

- b) Shall be no higher than 1.5 metres (4.92 feet) above the ground, measured from the topmost point of the Election Sign, save and except signs on Campaign Offices, Billboards and Signs displayed indoors.

## **5. General Prohibitions**

- 5.1. No Owner or Person shall Place or permit to be Placed an Election Sign except in accordance with this By-law.
- 5.2. This By-law shall not apply to signs placed by the City, Provincial or Federal governments to provide information concerning an Election or By-Election or any part of an Election or By-Election process.
- 5.3. With respect to general prohibitions, no Owner shall Place or permit to be Placed an Election Sign that:
  - a) displays a logo, crest, trademark or official mark, in whole or in part, owned or licensed by the City;
  - b) is illuminated, has flashing lights, or rotating parts;
  - c) simulates any traffic sign, traffic signal, any other sign that directs the movement of traffic, or any official sign;
  - d) uses words such as “stop”, “look”, “one way”, “danger”, “yield” or any similar phrases, symbols, lights or characters in such a manner as to tend to interfere with, mislead or confuse traffic;
  - e) is in a state of disrepair or is located where it is a general hazard to public safety;
  - f) impedes or obstructs the City’s maintenance operations;
  - g) impedes or obstructs the passages of pedestrians where they are reasonably expected to walk;
  - h) is affixed to public utility poles, telephone poles, hydro poles, light standard or any other utility infrastructure;
  - i) is Placed on, painted on, attached to, or supported by a tree, stone or other natural object.
- 5.4. Two Election Signs may be displayed on or in a vehicle provided:
  - a) the display of such Election Sign is not contrary to the provisions of this By-law;
  - b) such Election Sign, if on the exterior of the vehicle, is mounted flush on the motor vehicle body;
  - c) such Election Sign is not displayed so as to contravene provisions of sections 73 (1) or 74 (1) of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended.
- 5.5. Election Signs, including signs attached to vehicles, are not permitted to be Placed in any way on Public Property or buildings, including but not limited to, municipal offices, City parks, cemeteries, arenas, libraries, and fire halls.
- 5.6. No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 5.7. The City or any of its municipal employees, agents or contractors will not be responsible for investigating or prosecuting for any acts of vandalism or theft of Election Signs.

## **6. Public Property and Roads**

- 6.1. In addition to the limitations in Sections 4 and 5, an Owner shall not Place or permit to be Placed an Election Sign on Public Property that is not in accordance with this By-law, and where applicable, the Ministry of Transportation's requirements.
- 6.2. With respect to Public Property and Roads, no Owner shall Place or permit to be Placed an Election Sign that:
- a) is within a Park;
  - b) interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
  - c) impedes, hinders or prevents parking by vehicles on private or public lands, or on a Road;
  - d) is on a Road, except as otherwise permitted by this By-law;
  - e) where there is no sidewalk, is located 1.8 metres (6 feet) away from the face of the curb or edge of pavement of a Road, and where there is a Sidewalk, not within 0.6 metres (2 feet) of such Sidewalk;
  - f) clause 6.2 (e) does not apply when the Sidewalk is less than 0.6 metres (2 feet) from the main wall of the building, in which case the Election Sign shall be placed at the furthest distance possible from the Sidewalk or from the face of the curb or edge of pavement;
  - g) is between the curb and the Sidewalk, where there is a Sidewalk;
  - h) is on a boundary fence line or noise attenuation wall which is located on Public Property;
  - i) requires digging, drilling or driving into asphalt, concrete, brick or any other hard improved surface on a Road when placing an Election Sign;
  - j) is within a Sight Triangle;
  - k) is less than 3 metres (9.8 feet) from or within a school zone.

## **7. Private Property**

- 7.1. Subject to Sections 4 and 5, Election Signs are permitted on Private Property, provided that:
- a) the property owner, tenant, or occupant of the property consents; and
  - b) no Election Sign shall be located so as to obstruct or impede any fire escape, fire exit, door, window, scuttle, skylight, flue or air intake or exhaust nor so as to prevent or impede the free access of emergency personnel to any part of the building including, but not limited to, emergency water connections, or fire hydrants; and
  - c) no Election Sign shall contravene any provisions in this By-law.
- 7.2. No Owner or Person shall Place or permit to be Placed an Election Sign on a right-of-way adjacent to a private residence unless permission has been granted by the property owner, tenant, or occupant of the property.
- 7.3. No Owner or Person shall Place or permit to be Placed more than one (1) Election Sign per Candidate and/or Third Party Advertiser on any one piece of land zoned residential unless the Private Property consists of multiple residential properties, in which case one (1) Election Sign per Candidate and/or Third Party Advertiser per unit will be permitted, providing that the Election Signs are a minimum of one (1) metre apart.

- 7.4. A maximum of three (3) Election Signs per Candidate and/or Third-Party Advertiser are permitted on any non-residential property, providing that the Election Signs are a minimum of one (1) metre apart.
- 7.5. No Owner or Person shall Place or permit to be Placed an Election Sign including signs attached to vehicles, on the Property or in a Voting Location on the day(s) that location is being used for voting. For clarity, this includes the parking lot adjoining and/or servicing the Property of a Voting Location on the day(s) that location is being used for voting.

## **8. Removal of Election Signs**

- 8.1. Subject to Section 3, every Person, Owner, Candidate or Registered Third Party Advertiser shall remove all Election Signs Placed or permitted to be Placed by the respective Person, Owner, Candidate or Registered Third Party Advertiser from all locations within three (3) days following Voting Day.
- 8.2. The City Clerk or Municipal Law Enforcement Officer may remove any Election Sign Placed in contravention of this By-law without notice.
- 8.3. The City Clerk may establish regulations under this By-law governing the retrieval and destruction of Election Signs removed under it, including, without limitation, the required forms and information for authorizing the release of a sign, the deadlines for retrieval or destruction, and the methods of notifying Owners about these actions.
- 8.4. Election Signs that have been removed for contravention of this By-law will be subject to a penalty outlined in Section 10, which will be deducted from the Election Sign deposit.
- 8.5. The City Clerk or designate may destroy any Election Sign which has been removed and not claimed and retrieved by the Owner within sixty (60) days of Voting Day.

## **9. Power of Entry**

- 9.1. The City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.
- 9.2. The City's power of entry may be exercised by an employee, inspector, or agent of the City or by a member of the police force with jurisdiction, as well by any person under their direction.
- 9.3. No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer who is exercising a power or performing a duty under this By-law.

## **10. Fees**

- 10.1. The prescribed Election Sign deposit of \$200.00 per Candidate and Registered Third Party Advertiser, must be paid by cash, debit or cheque payable to the City of Thorold.
- 10.2. Election Sign deposits will be refunded within ninety (90) days after Voting Day, minus any deductions for the removal of any Election Signs by the City.

- 10.3. Subject to Sections 3 and 8, where an Election Sign has been placed in contravention of any provision of this By-law, the Candidate will be notified and asked to remove the Sign. Should the Election Sign not be removed within the specified timeframe, the Municipal Law Enforcement Officer may remove the Election Sign without further notice at a penalty of \$25.00 per Election Sign, which will be deducted from the Election Sign deposit. For Billboards that are in contravention of this By-law, the Municipal Law Enforcement Officer may charge a daily penalty of \$25.00, which will be deducted from the Election Sign deposit. Penalties will be appealable in accordance with the procedure established in the City's Administrative Monetary Penalty, By-law 148-2019, as amended or replaced.
- 10.4. If contraventions exceed the Election Sign deposit, the City will issue an invoice to the Candidate and Registered Third Party Advertiser, within ninety (90) days of Voting Day.
- 10.5 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to penalties provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*, R.S.O. 1990, c. P. 13.
- 10.6 Every Person who contravenes any provision of this By-law shall, upon the issuance of a penalty notice in accordance with Administrative Penalty Process By-law No. 148-2019, as amended or replaced, be liable to pay to the City an Administrative Penalty in accordance with that By-law.
- 10.7 Administrative Penalty Process By-law No. 148-2019, as amended or replaced, applies to each Administrative Penalty issued pursuant to this By-law.

## **11. General**

- 11.1 The short title of this By-law is the "Election Sign By-law".
- 11.2 If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 11.3 If there is a conflict between a provision of this By-law and a provision of any other By-law of the City, the provision that establishes the higher standard shall prevail.
- 11.4 This by-law does not supersede any authority or remedy provided under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act, 1996*, as amended.
- 11.5 This By-law shall be read with all changes in number or gender as are required by context.
- 11.6 Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 11.7 The City Clerk is hereby authorized to affect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

**12. Force and Effect**

- 12.1. That By-law No. 43-2018, and any amendments made thereto, be hereby repealed.
- 12.2. That this by-law shall come into force and effect on the 9<sup>th</sup> day of December, 2025.

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Terry Ugolini, Mayor

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Nicholas Debono, City Clerk