



Town of Englehart

THE CORPORATION OF THE TOWN OF ENGLEHART

BY-LAW # 2026 - 15

Being a by-law for the management and regulation of election campaign advertisements including third party advertisements

WHEREAS Subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as the “Municipal Act”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 8 of 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 Subsection 10(2) of the Municipal Act authorizes a single-tier municipality to pass by-laws respecting structures including signs;

AND WHEREAS Subsection 23.2 of the Municipal Act permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Subsection 63(1) of the Municipal Act provides that a By-Law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway;

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 Section 101(1) of the Municipal Act provides that, if a municipality passes a by-law regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the Highway Traffic Act applies with necessary modifications to the by-law;

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 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 a by-law;

AND WHEREAS Section 445 of the Municipal Act provides that a municipality may make an order requiring a person who has contravened a by-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred, to do work to correct the contravention;

AND WHEREAS Subsection 88.3 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended (hereinafter referred to as the “Municipal Elections Act”) provides that any election campaign advertisement purchased by or under the direction of a candidate, will

be required to identify the candidate;

AND WHEREAS Subsection 88.7 of the Municipal Elections Act provides that where a municipality is satisfied that there has been a contravention of that Act with regard to a sign used as a Third-Party Advertisement, the municipality may require the sign to be removed;

AND WHEREAS The Town of Englehart deems it expedient to pass a by-law to regulate the placement of election signs for federal, provincial and municipal elections and by-elections;

AND WHEREAS The Town of Englehart is of the opinion that the legislative powers under this By-Law should be delegated to the Clerk or their designate;

Now therefore the Council of the Corporation of the Town of Englehart enacts as follows:

COMPLIANCE WITH LEGISLATION

1.1 Nothing in this By-Law is in conflict with a provision of any applicable act, regulations or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

CONFLICT

2.1 If a provision of this By-Law in conflict with a provision of any applicable act, regulation or other by-law, the provision that establishes the higher or more restrictive standard shall apply.

DELEGATION OF AUTHORITY

3.1 The administration of this By-Law is hereby delegated to the Municipal Clerk or delegate.

DEFINITIONS

4. For the Purpose of this By-Law

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

4.2. **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 (stone, trees and/or grass strips) between a street line and sidewalk including a shoulder.

4.3. **By-Election** means any election other than a regular election in the case of a municipal election or a general election in the case of a provincial or federal election.

4.4. **Canada Elections Act** means the federal statute cited as the Canada Elections Act, S. C. 2000, c.9., as amended.

4.5. **Candidate** shall mean a person who has been certified to run in a municipal, provincial or federal election, and shall be deemed to include a registered Third Party seeking to influence electors 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.

4.6. **Clerk** shall mean the Municipal Clerk and Returning Officer of The Town of Englehart, or their designate.

4.7. **Election** means a general federal or provincial Election or a regular municipal Election and any question or By-Law submitted to the electors and includes an Election to a Local Board or commission.

4.8. **Election Act** means the provincial statute cited as the Election Act, R. S. O. 1990, c.E.6., as amended.

4.9. **Election Sign** means any temporary notice, device or sign outside of any building that advertises or promotes a candidate in a federal, provincial or municipal election including 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. An Election Sign does not

include any election campaign literature such as pamphlets and brochures but does include a Third Party Advertisement and Vehicle Election Sign.

4.10. **Local Board** means a school board, municipal service board, transportation commission, public library board, board of health, police detachment board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof.

4.11. **Municipal Elections Act** means the provincial statute cited as the Municipal Elections Act, 1996, S. O. 1996, c.32., as amended.

4.12. **Sight Triangle** means in the case of a corner lot, 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, measured 5 metres (16.4 feet) along the street from the point of intersection of the street lines. See Diagram 1 in Schedule A of this By-law.

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

4.14. **Person** means but is not necessarily limited to, an individual, business, firm, corporation, unincorporated business, trade union, partnership, or association, and includes a Registered Third Party.

4.15. **Place** means to attach, install, erect, build, construct, reconstruct, move, display or affix. Placed, placement and placing shall have a similar meaning.

4.16. **Public Property** means property owned by or under the control of the Town of Englehart, any of its agencies, Local Boards or commissions, including highways and Streets, and shall be deemed to include public utilities facilities including Public Utility Facility, regardless of whether the Public Utility Facilities are owned by or under the control of the Town and shall also be deemed to include, parks, parkettes, buses, bus shelters, benches, municipal garbage containers or other structures located on a Street regardless of whether the shelters, containers or structures are owned by the Town.

4.17. **Public Utility Facility** means a pole, transformer box, service container, equipment or other such structure owned or controlled by an entity which provides a municipal or public utility service.

4.18. **Registered Third Party** means an individual, corporation or trade union that is registered with the municipality in accordance with the prescribed legislation.

4.19. **Restricted Period** means the period during which an election sign used as a third party advertisement is permitted as outlined under prescribed legislation.

4.20. **Roadway** means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic but does not include the shoulder.

4.21. **Sidewalk** means that portion of a Street with a surface that is improved and designed or ordinarily used for the use of pedestrians and shall include a multi use path.

4.22. **Street** means the allowance for a public Local Road and/or Connecting Link Highway and includes the travelled and untraveled portions of the Street, including the Traffic Islands, shoulders, Boulevards and Sidewalks.

4.23. **Third Party Advertisement** means a Third Party Election Sign.

4.24. **Third Party Election Sign** shall mean a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate in a municipal election or an election of a Local Board or commission, or 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, and which has been placed without the authorization, direction or involvement of a Candidate.

4.25. **Traffic Island** means a small, raised area in the middle of a Street that provides a safe place for pedestrians to stand and marks a division between two or more opposing streams of traffic.

4.26. **Travelled Roadway** means that portion of a Street that is designed or ordinarily used for vehicular traffic and delineated by the curb line or the edge of pavement.

4.27. **Town** shall mean The Corporation of the Town of Englehart and its established geographical jurisdiction.

4.28. **Town Logo or Wordmark** means the current logo, wordmark, symbol or insignia adopted by or created by the Town of Englehart which is displayed on the Town website, social media platforms, letterhead, signage or equipment and vehicles owned by the Corporation of the Town of Englehart

4.29. **Vehicle Election Sign** means any form of Election Sign displayed in or on a vehicle, including a vehicle wrap, magnetized or temporarily attached signage.

4.30. **Voting Day** means the day on which the final vote is to be taken in an Election or By-Election.

4.31. **Voting Place** means the location(s) where electors cast their ballots as approved by the federal, provincial, or municipal Election officials and includes the entire property and all the boundaries associated with it, including any abutting Streets, when such Voting Place is located within a public or private premises and shall also include the common elements (interior, exterior, parking lot, road allowance) when the Voting Place is located within a private premises.

4.32. **Writ of Election** means the date as defined in the Canada Elections Act and the Elections Act.

GENERAL REGULATIONS

5.1. No person shall deface or willfully cause damage to an Election Sign.

5.2. No Candidate or Third Party Advertiser to whom an Election Sign relates shall permit an Election Sign to be left in a state of disrepair.

5.3. No person shall place or permit to be placed on any Election Sign a logo, trademark, crest or official mark, in whole or in part, owned or licensed by the Town.

5.4. A Third Party Advertiser shall ensure they have registered with the Clerk in the form and manner prescribed by law, and that their Advertisements contain valid and up-to-date contact information, including the name of the Registered Third Party, the municipality where the registration occurred, and a telephone number, mailing address or e-mail address at which the Registered Third Party may be contacted in order to identify at least one individual responsible for the placing of the Third Party Advertisements including any Election Sign.

RESPONSIBILITY OF CANDIDATE/REGISTERED THIRD PARTY

6.1. The Candidate or the Registered Third Party to whom an Election Sign relates shall be responsible for the placing, removal and maintenance of the Election Sign and shall ensure that all requirements of this By-Law are met.

TIMING

7.1 In a municipal Election, no Election Signs shall be placed until after 4:00pm on the Monday following Nomination Day.

7.2 No person shall place or permit to be placed any Election Sign for a federal or provincial Election or By-Election prior to the day the Writ of Election is issued.

7.3 Notwithstanding subsection 7.1., in a municipal election, Campaign Office Election Signs may be placed once a Candidate has been certified with the Clerk or a Third Party Advertiser has registered with the Clerk.

7.4 All Election Signs shall be removed within three (3) days after the day on which the Election or By-Election is held.

7.5 Where an Election Sign has been placed on private property, it is the responsibility of the Candidates or Third Party Advertisers to ensure that the Election Sign(s) is removed within the required time frame as noted in subsections 7.1 through 7.5. above.

PLACEMENT OF SIGNS

8.1. No person shall place or permit to be placed an Election Sign within the limits of the Town, except in accordance with this By-Law and all applicable legislation.

8.2. 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:

8.2.1. Prior to the issuance of Writs for a provincial or federal election;

8.2.2. Within 50 metres (164 feet) of a Voting Place (See Schedule B & C);

8.2.3. On a vehicle or trailer or any mobile device within 50 metres (164 feet) of a Voting Place;

8.2.4. On Private Property without having first obtained permission from the property owner;

8.2.5. On or overhanging Public Property, including a Town park/parkette or a facility that is owned or operated by the Town;

8.2.6. On a public utility facility;

8.2.7. On any official sign;

8.2.8. On any tree, stone or other natural object;

8.2.9. On any Centre Median, or Boulevard;

8.2.10. In or on property abutting an active or inactive Cemetery;

8.2.11. 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;

8.2.11.1 Is within a Sight Triangle, as described in Schedule A of this By-Law;

8.2.12. 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;

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

8.2.14. That can be confused with a traffic sign, signal or official sign;

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

8.2.16. That impedes or obstructs Town maintenance operations;

8.2.17. That is indecent in any word, picture, symbol or the like;

8.2.18. Bearing a logo, corporate image, trademark or official mark of the Town of Englehart;

8.2.19. On Public Property, no signs larger than 2 m² (21.528 sq ft) - Examples: 5' x 4' or 6' x 3.5' or 7' x 3';

8.2.20. On Public Property, no signs higher than 2 metres (6.5 ft) above ground level;

8.2.21. No signs located within 1 metre (3.3 feet) from the edge of a curb, a sidewalk that abuts a curb, a shoulder of a Roadway;

8.2.22. That does not adhere to prescribed legislation;

8.2.23. 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;

8.2.24. 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 sign relates or the owner of the property on which the sign is installed;

8.2.25. No person shall deface or willfully cause damage to a lawfully installed election sign;

8.2.26. In accordance with section 88.2 of the Municipal Elections Act, 1996, owners or tenants in an apartment building, condominium building, nonprofit housing co-operative or a gated community may place Election Signs on the premises that they own or lease subject to any reasonable restrictions on the size or type of Election Sign that may be established by the landlord, property manager, co-operative or condominium corporation;

8.2.27. No Candidate, Registered Third Party or their Agent, or any other person shall place, cause to be placed, or permit to be placed an Election Sign within one and a half (1.5) metres (4.9 feet) of another Election Sign, measured from the nearest edge of each sign, and any Election Signs placed within such distance shall be deemed to constitute clustering and are prohibited.

VEHICLE ELECTIONS SIGNS

9.1. No person shall place or permit to be placed a Vehicle Election Sign except in accordance with the provisions of this By-Law.

9.2. No person shall place or permit to be placed a Vehicle Election Sign on Public Property or a Cemetery, other than a Street.

9.3. Vehicle Election Signs are prohibited to be visible in a vehicle that is parked in a public parking area/lot owned or managed by the Town.

9.4. Notwithstanding subsection 8.2. of this By-Law, a Vehicle Election Sign may be placed by a Candidate or Registered Third Party on or in a vehicle while such vehicle is in use on any Street in the Town in accordance with all applicable laws and by-laws.

9.5. At any time, no person shall place or permit to be placed a Vehicle Election Sign where the administration of Election processes are conducted, being at Town Hall, municipally known as 61 Fifth Avenue.

9.6. On Advance Voting Day(s) and Voting Day, no person shall place or permit to be placed a Vehicle Election Sign on a Voting Place or a place where the administration of Election processes is conducted or within 50 metres (164 feet) of a Voting Place or a place where the administration of Election processes is conducted. (see Schedules "A" to "D")

Election Signs on Highway Rights -of- Way (Ministry of Transportation)

10.1 Signs up to 0.7M² (8 Sq. Ft) in size must be placed a minimum 4m (12 feet) from edge of pavement. Signs over 0.7M² (8 Sq. Ft) and up to 3.7,2 (40sq. ft) must be placed at the outer limit of the right-of-way.

10.2 Election signs placed by, or on behalf of a candidate or a political party and signs designed to encourage citizens to vote, may be placed on the right-of-way of a highway but must not be placed less than 4m (12 ft.) from edge of pavement,

10.3 An "election sign" must not be affixed to a permanent of an official sign or to guide rail, on traffic islands or other highway structure or facility.

10.4 An election sign must not be placed where it may interfere with visibility, an official sign, traffic signal or other safety device. This is particularly important at intersections where signs could create traffic hazards by impairing the visibility of motorist

10.5 Portable red-o-graph sign trailers are prohibited on the right-of-way of any highway. Such red-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the ministry for portable read-o-graph signing.

10.6 Permit of Letters of Approval for any signs erected under these instructions are not required.

10.7 Candidate committees or workers shall be allowed three (3) working days after election day in order to remove candidate advertising from the MTO right-of-way and adjacent properties.

10.8 Signs not retrieved by this time shall be picked up by the MTO patrol forces and stored in a safe place (patrol yard, etc.) for a period of two weeks. After this time, they will be disposed of.

EXEMPTIONS

11.1 This By-Law shall not apply to:

- a) signs placed by the Town or the Provincial or Federal governments to provide information concerning an Election or By-Election, or any part of an Election or By-Election process; or
- b) any road allowances under the jurisdiction of the Ontario Ministry of Transportation. All Elections Signs displayed along any Provincial Highway shall adhere to Provincial Regulations.

ADMINISTRATION AND ENFORCEMENT

12.1. 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 election sign complies with this By-Law, and an Officer may be accompanied by other Town of Englehart employees/Agents for this purpose.

12.2. Any 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, in writing, by the Clerk.

12.3. 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.

12.4. 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.

REMOVAL OF UNLAWFUL ELECTION SIGNS

13.1. The Clerk reserves the right to remove, without notice or compensation to any person, including the candidate, any Election Sign which is deemed to be a hazard.

13.2. Any person who has been ordered by a By-Law Enforcement Officer to remove or relocate an Election Sign shall comply with the Order.

13.3. Where an Election Sign has been placed in contravention of any provision of this By-Law, the Clerk, a formally appointed Deputy Returning Officer, or the By-Law Enforcement Officer may cause the Election Sign to be removed immediately without notice or compensation and/ or take any further action as provided within this By-Law.

13.4. On Advance Voting Day and on Voting Day, unlawful Election Signs will be removed without notice or compensation by the Clerk, a formally appointed Deputy Returning Officer, or the By-Law Enforcement Officer.

13.5. Any Election Sign that has been removed by an Officer of the Town and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the Town without notice and without compensation.

OFFENCES AND PENALTIES

14.1. Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act, RS.O. 1990, c.P.33.

14.2. For the purposes of this By-Law, each sign considered to be in contravention of this By-Law will be treated as its own individual occurrence and offence.

14.3. For the purpose of this By-Law, each day of a continuing offence shall be deemed to be a separate offence.

VALIDITY AND SEVERABILITY

15.1. Where any provision of this By-Law is conflicting with any other by-law of the Town, this By-Law shall prevail.

15.2. 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.

ORDERS

16. Where any person contravenes any of the provisions of this By-Law and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered, and any court or competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

17. Any person who contravenes an Order Prohibiting Continuation or Repetition made under this By-Law is guilty of an offence and, upon conviction, is subject to a fine as provided by the Provincial Offences Act, RS.O. 1990, c.P.33.

Implementation

18. That this By-law shall come into full force and effect immediately upon the passing thereof

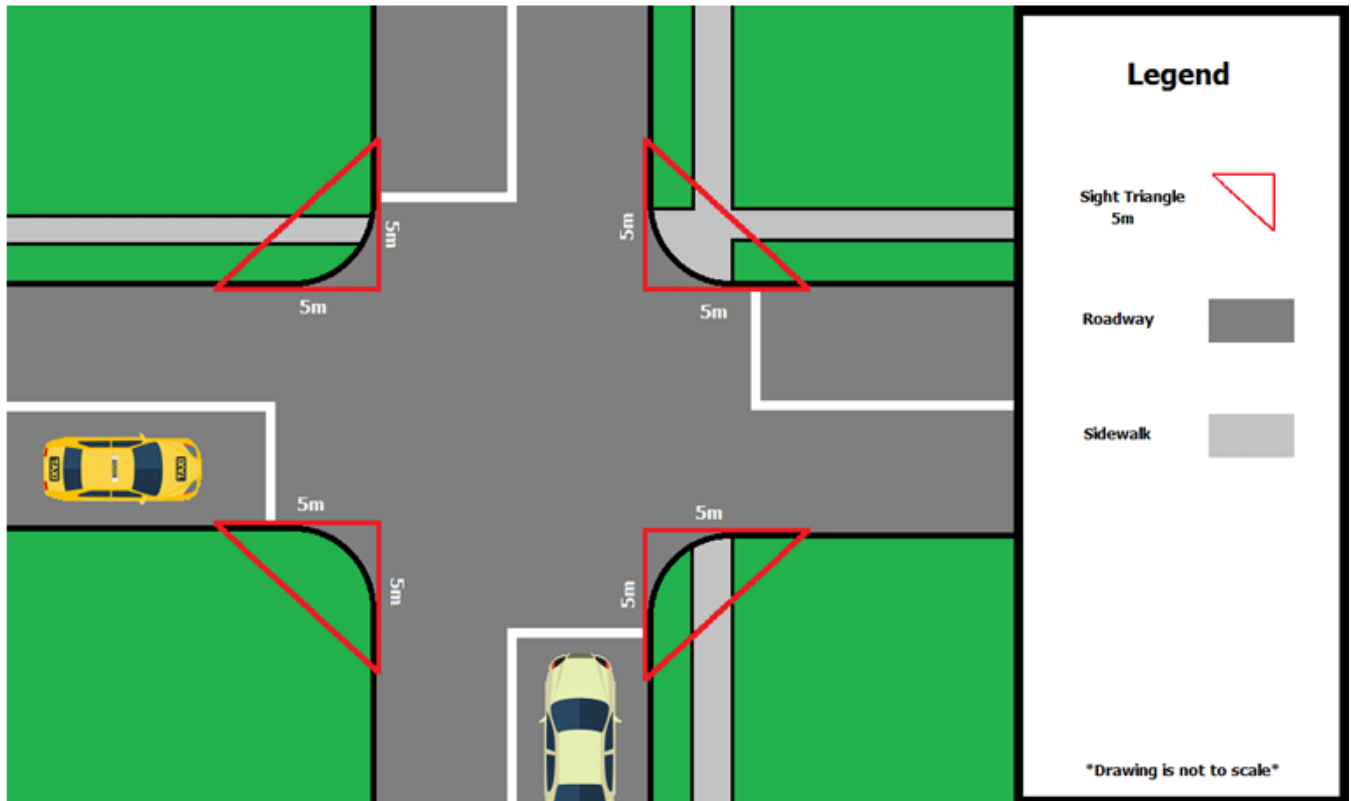
19. That By-Law 2022-10 and all other By-Laws and resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

Enacted by the Town of Englehart Council this 22nd day of April 2026

Doug Metson, Mayor

Amy Vickery, Clerk

Schedule A
Sight Triangle



Schedule B

50 meter "no sign" radius for voting places
Englehart Arena



Schedule C
50 meter "no sign" radius for voting places
Northview Nursing Home

