

# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## BY-LAW NUMBER 2025-038

A By-law to Manage and Regulate Election Signs in the Township of Puslinch.

**WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 8, provides that the Act shall be interpreted broadly so as to confer board authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 11, provides that a lower-tier municipality may pass by-laws respecting matters of jurisdiction set out therein, inter alia; structures including signs;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 23.2 authorizes the Township to delegate its powers to an officer, employee, or agent of a municipality;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 63, 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 of an object placed or standing on or near a Highway;

**AND WHEREAS** the Municipal Act, S.O. 2001, c.25, Section 425 establishes that any person who contravenes any by-law of the municipality, may be, passed under the Act, is guilty of an offence;

**NOW THEREFORE** the Council of the Township hereby enacts as follows:

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## **1.0 GENERAL**

### **1.1 Short Title**

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

### **1.2 Administration**

- a) This By-law applies to all Property in the geographic area within the Township.
- b) The Municipal Clerk shall be responsible for the administration of this By-law.

### **1.3 Delegated Authority**

- a) The Municipal Clerk is authorized and has the delegated authority to:
  - i. Establish appropriate requirements, forms and guidelines;
  - ii. Ensure compliance with Section 3.0 of this By-law.

### **1.4 Conflict**

- a) Where there is a conflict between a provision of this By-law and a provision of any other Township by-law, the provision that establishes the highest standards shall apply.

### **1.5 Severability**

- a) If a court of competent jurisdiction declares any section, or any part of any section, of this By-law to be invalid, or to be of no force or effect, it is the intention of the Township that every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law.

### **1.6 Compliance with Other Laws**

- a) This By-law, and the provisions contained within, are intended to be complimentary to federal and provincial statutes and regulations, and to other by-laws passed by the Council. If any other applicable law requires a higher standard than this By-law requires, the higher standard shall apply.
- b) By-laws, statutes, regulations, and guidelines referenced in this By-law, including in Schedule A, include any amendments, replacements, or updates to those by-laws, statutes, regulations, and guidelines

## **2.0 DEFINITIONS**

In this By-law:

“Awning Sign” means a Sign with copy painted or affixed flat to the surface of an Awning, which does not extend vertically or horizontally beyond the limits of such Awning;

“Banner Sign” means a Sign made from cloth, plastic or a similar lightweight non-rigid material displaying a message in words or symbols, including a recognized flag, Awning Sign, Feather Banner Sign, Wall Banner Sign or Fascia(Wall) Sign;

“Billboard Sign” means a ground Sign that is owned and maintained by a Person engaged in the rental or leasing of the sign face area for advertising goods, services, or facilities that are not sold or offered on the Property where the Sign is Placed and is either single faced or double faced but does not include Ground Sign or Electronic Billboard;

“Boulevard” means that 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 a nearest lateral property line of the Highway;

“Campaign Office” means one building or structure, or part of one building or structure, used by a Candidate;

“Canada Elections Act” means the Canada Elections Act, S.C. 2000, c.9, as amended and any successor legislation;

“Candidate” means a person who has been nominated or registered under the Canada Elections Act, the Election Act, or the Municipal Elections Act, 1996;

“Designated Official” means the Chief Building Official, Municipal Clerk, or their designates.

“Election Act” means the Election Act, R.S.O. 1990, c.E.6, as amended and any successor legislation;

“Election Sign” means any Sign promoting, supporting, opposing or taking a position with respect to:

- i. A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, the Municipal Elections Act, 1996, or any other legislation;
- ii. An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996; or
- iii. A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996;

“Fascia(Wall) Sign” means a single-faced Sign, constructed of a permanent and rigid material, that is attached and position parallel to the exterior wall of a building or structure;

“Feather Banner Sign” means a Sign that is made from cloth or a similar non-rigid material which is affixed to the ground and supported by a pole;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c.H.8, and Ontario Regulations thereunder, as amended from time to time, and any successor legislation;

“Highway” means a common and public highway and includes a street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for passage of Vehicles and includes that area between the lateral property lines thereof.

“Inflatable Sign” means a Sign filled with air or gas;

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended and any successor legislation;

“Municipal Elections Act, 1996” means the Municipal Elections Act, 1996, S.O. 1996, c.32, as amended and any successor legislation;

“Municipal Clerk” means the Township’s clerk appointed by the Council or their designate.

“Officer” means a Person designated by by-law of the Township to enforce this By-law.

“Owner” means the Person who Places or permits the placing of an Election Sign or any person described on the Election Sign, whose name, address or telephone number is

on the Election Sign or who benefits from the message on the Election Sign and for the purposes of this By-law there may be more than one owner of an Election Sign;

“Person” includes individuals, firms, sole proprietorships, partnerships, associations, trusts, corporations, directors and officers of corporations, trustees, and agents, and the heirs, executors, assigns or other legal representatives of a person to whom the context can apply in law, and for the purposes of this By-law includes Owner;

“Place” means attach, affix, install, erect, build, construct, reconstruct, move or display of a Sign and “placing” or “placement” have a corresponding meaning;

“Private Property” means real property that is not a Highway or Public Property;

“Public Property” means real property owned or under the control of the Township, County of Wellington, Provincial Government, Federal Government or any of their respective agencies, boards or commissions but, for the purposes of this By-law, does not include a Highway or real property where one or more persons reside;

“Roadway” means that part of a Highway that is improved, designed or ordinarily used for vehicular traffic including reserved lanes, shoulders and curbs and gutters;

“Roof Sign” means any Sign that is attached to or is located more than one (1) metre above the roof line or a building or structure, any Sign that is Installed or located wholly above the roof of a building and/or any Sign Installed, constructed or attached to or located wholly above the parapet of a building;

“School Crossing” means any portion of a Roadway designated by by-law of the City, indicated as a school Zone by Signs on the Highway as prescribed by the Highway Traffic Act;

“Sidewalk” means that part of a Highway with a surface that is improved, designed or ordinarily used for the use of pedestrians or bicycles and includes a multi-use path;

“Sign” means any devise, object or thing which directs attention to, and which is designed to convey a message and that is placed for the purpose of advertising goods and services offered, for identifying a business, organization, or enterprise, and/or for conveying any other type of message. This definition includes the supports, braces, or other appurtenances associated with such Signs;

“Sign Area” means the area of one side of a Sign where copy can be placed;

“Sign Height” means the vertical height of a Sign from the finished grade to the highest part of the Sign;

“Street Line” means a lot line dividing a lot from a Street and is the limit of the Road Allowance;

“Third Party” means any person or entity, including but not limited to a corporation or trade union, who is not a registered Candidate, political party, or constituency association, who incurs expenses with respect to:

- i. A question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act, Municipal Elections Act, 1996 or any other legislation;
- ii. An issue associated with a person or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996; or
- iii. A Candidate or political party participating in an election under the Canada Elections Act, the Election Act or the Municipal Elections Act, 1996;

“Traffic Control Device” means a signal or Sign located at an intersection that is intended to control the flow of traffic at the intersection. For the purposes of this By-law, any measurement from a Traffic Control Device shall be taken from the pole or post supporting such device;

“Township” means The Corporation of the Township of Puslinch;

“Voting Place” means a place where electors cast their ballots and:

- i. When a Voting Place is located on Public Property, includes all of the area enclosed by the lot lines of the Public Property and any Highway abutting; or
- ii. When a Voting Place is located on Private Property, includes all of the common elements of the Private Property and any Highway immediately abutting;

“Wall Banner Sign” means a Temporary Sign that is made from cloth or a similar lightweight non-rigid material which is secured or mounted to a building.

“Zone” means the Township’s Comprehensive Zoning By-law, as applicable and amended from time to time.

### **3.0 PROHIBITIONS AND GENERAL PROVISIONS**

#### **3.1 Prohibitions**

- a) No Owner shall place or permit to be placed, or allow to remain placed, any Election Sign within the geographic limits of the Township except in accordance with this By-law.
- b) Every Owner shall ensure compliance with this By-law.
- c) No Person shall destroy or deface an Election Sign.
- d) Every Person who contravenes any provision of this By-law is guilty of an offence.

#### **3.2 Sign Type**

- 3.2.1 With the exception of a Billboard Sign and an Election Sign on vehicles, no Owner shall Place or permit to be Placed an Election Sign that:

- a) Is illuminated, moves, swings or revolves;
- b) Is a Roof Sign, Inflatable Sign, or Banner Sign;
- c) Has a Sign Area of more than 1.5m<sup>2</sup>;
- d) Has a Sign Height more than 2.0m; or
- e) Interferes with the safe operation of vehicular traffic or the safety of pedestrians.

3.2.2 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 Contents of an Election Sign**

3.3.1 Each Election Sign shall identify who is responsible for the messaging.

3.3.2 Each Third Party Sign shall 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.

3.3.3 No Owner shall display the Township's logo, election logo, crest or seal in whole or part on any Election Sign.

3.3.4 No Owner shall display any Sign which:

- a) is obscene as that term is understood under the Criminal Code, R.S. C 1985, c, C-46, as amended;
- b) displays defamatory statements, and/or
- c) by its words, symbols, or images is degrading or dehumanizing to an individual or group, particularly but not limited to on the basis of grounds protected under the Human Rights Code (Ontario);

### **3.4 Timing of Election Sign Placement**

3.4.1 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.

3.4.2 No Owner shall Place or permit to be Placed an Election Sign for a municipal election earlier than the day that the Candidate has been nominated or registered and no earlier than:

- a) 45 days prior to Election Day in the year of a regular election; or
- b) Nomination Day for a by-election.

### **3.5 Location – General**

3.5.1 Election Signs are permitted in any Zone.

3.5.2 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.

3.5.3 No Election Sign shall be located so as to obstruct or impede any fire escape, fire exit, 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 emergency water connection or fire hydrant.

- 3.5.4 No Election Sign shall be affixed to a tree, pipe, telephone pole, hydro pole, light standard, fence or any other utility infrastructure.

### **3.6 Location – Private Property**

- 3.6.1 Only one Election Sign per Candidate will be allowed per Private Property unless the Private Property consists of multiple residential properties, then one Election Sign per Candidate per unit will be allowed, provided that the Signs are a minimum of 1 metre apart.
- 3.6.2 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.
- 3.6.3 Election Signs must be set back 1.0m from the Street Line and/or adjacent Property

### **3.7 Location – Highways**

- 3.7.1 No Owner shall Place or permit to be Placed an Election Sign so that the Election Sign:
- a) Is on a Roadway;
  - b) Impedes or obstructs the passage of vehicles or pedestrians where they are reasonably expected to drive, walk or park;
  - c) Impedes or obstructs snow removal and/or roadside grass cutting and/or any maintenance operation performed by the Township or any other road authority;
  - d) If on a Highway within a residential Zone, is less than 10m from another Election Sign for the same Candidate or Third Party; or
  - e) If on a Highway within a commercial and/or industrial Zone, is less than 50 metres from another Election Sign for the same Candidate or Third Party; or,
  - f) On a Highway in front of a Public Property; or,
- 3.7.2 No Owner shall Place or permit to be Placed an Election Sign on a Highway structure.
- 3.7.3 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.
- 3.7.4 No Owner shall drill or drive into a wooden, metal, concrete or other Highway structure when placing an Election Sign.
- 3.7.5 No Owner shall place an Election Sign on the island or outside side of a Roundabout.



### **3.8 Location – Near Voting Places**

- 3.8.1 On any day when electors are casting their ballots, no Owner shall Place, or permit to be Placed, any Election Sign on land within 100 metres of a Voting Place, unless such land is a residential Private Property.

### **3.9 Location – On Public Property**

- 3.9.1 No Owner shall Place or permit to be Placed, an Election Sign on Public Property.

### **3.10 Removal of Election Signs**

- 3.10.1 Every sign placed legally in accordance with this By-law shall not be removed by any Person except in accordance with this By-law.
- 3.10.2 Every Owner shall remove all of the Owner's Election Signs within 72 hours (3 days) immediately following 11:59 p.m. of the day of the Election.
- 3.10.3 Every Campaign Office locations shall remove all Election Signs within 1 week immediately following 11:59 p.m. of the day of the Election.
- 3.10.4 The Municipal Clerk may remove or cause to be removed immediately, without notice, any Municipal Election Sign that creates a hazard or does not comply with this By-law.
- 3.10.5 The Municipal Clerk may remove or cause to be removed immediately, without notice, any Federal or Provincial Election sign that creates a hazard or does not comply with this By-law.
- 3.10.6 The Municipal Clerk may recover the expense for the removal of an Election Sign from the Owner of such Sign and may commence proceedings against the Owner to recover such expense.
- 3.10.7 The Municipal Clerk may, without notice or compensation, destroy or otherwise dispose of Election Signs removed in accordance with this By-law or any other Acts.

### **3.11 Campaign Office Exemptions**

- 3.11.1 Despite the foregoing provisions, Election Signs may be Placed on a Candidate's Campaign Office once the Candidate has filed their nomination.

## **4.0 ENFORCEMENT**

- 4.1 This By-law may be enforced by Officers and/or the Designated Official. Without limiting/restricting any other power, duty or function granted by this By-law, Officers and/or the Designated Official may: give direction, issue an Order to discontinue or to perform work and further give verbal or written direction and may enter Property and/or carry out and direct whatever inspection, are reasonably required to determine compliance with this By-law.
- 4.2 An Order may include but is not limited to:

- a) Immediately desist from the activity constituting or contributing to such contravention; and
- b) Take immediate action to mitigate and/or remediate the impacts of the activity.

4.3 Officers and/or the Designated Official may, at any reasonable time:

- a) Enter and inspect Property determine compliance with the provisions of this By-law, or any Condition of a Permit, or Order issued under this By-law. This power of entry does not allow entry into any dwelling;
- b) Enter the Property to collect information, take photographs, videos, or measurements, readings and samples;
- c) Require the production of copies of reports, manifests or other documents for the purpose of auditing any Sign or compliance with the conditions of a Permit, agreement or Order; and
- d) Require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.

4.4 Where an Officer and/or Designated Official has reasonable grounds to believe that an offence has been committed by a Person, the Officer and/or Designated Official may require the name, address, and proof of identity of that Person, and the Person shall supply the required information.

4.5 No Person shall:

- a) Hinder or obstruct or attempt to obstruct the Designated Official, Officer, or person in the discharge of duties under this By-law as required by the Designated Official or Officer in order to bring a Sign into compliance with this By-law or an Order issued under this By-law.
- b) Provide false information in any statement, whether orally, in writing or otherwise, made to an Officer or the Designated Official.
- c) Hinder or obstruct, or attempt to hinder or obstruct, any Officer or Designated Official who is exercising a power or performing a duty under this By-law.
- d) Fail to obey an Order issued under this By-law.

4.6 Where any Sign is Placed, the Owner of the Sign is presumed to have undertaken, caused, or permitted the Sign to be Placed, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

4.7 If an Officer and/or the Designated Official is satisfied that a Person has Placed any Sign in contravention of the provisions of this By-law, the Officer and/or Designated Official may issue an Order requiring work to be done to correct the contravention.

4.8 Orders issued shall contain the municipal address and/or the legal description of the Property, and shall set out:

- a) Reasonable particulars of the contravention, the work to be done, any work or action required to cease or be undertaken to rectify the contravention, and the period within which there must be compliance with the Order; and
- b) Notification that if the work or action is not done, or ceased, as the case may be, in compliance with the Order within the period specified, the Township may have the work done at the expense of the Owner and seek penalties as outlined in this By-law.

## **5.0 ORDERS**

5.1 Service of any document, including an Order, under this By-law shall be serviced as follows:

- a) Personally, or by prepaid registered mail to the last known address of the Owner, and any other Person to whom the Order is issued;

or

- b) If the Township is unable to effect service on the Owner, a placard containing the terms of the Order may be placed in a conspicuous place on the Property and the placing of the placard shall be deemed to be service of the Order;
  - c) In addition to 5.1(a) and/or (b), service of any document may be given by email to the last known email address of the Owner, and any other Person to whom the Order is issued.
- 5.2 If an Order is served on a Person by registered mail, it shall be deemed to have been served on the Person on the fifth (5<sup>th</sup>) day after the mailing of the order, which deemed service may be rebutted by the Person proving, on a balance of probabilities, that they did not receive the Order.

An Order may also be issued to a new Owner in any case where ownership of the Property has changed but the offence continues or remains.

## **6.0 PENALTIES AND OFFENCE**

### **6.1 Offence**

- a) Every Person who contravenes: (i) any provision of this By-law, (ii) a Condition of a Permit issued under this By-Law, and/or (iii) an Order issued under this By-law, is guilty of an offence and upon conviction is liable to the penalties provided for in this By-law and provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- b) If an Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

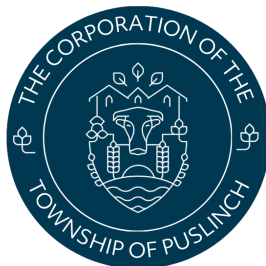
## **6.2 Penalties**

- a) Every Person who is guilty of a non-continuing offence under this By-law shall be subject to the following penalties:
  - i. Upon a first conviction under this By-law, to a fine of not less than \$500 and not more than \$50,000 per offence;
  - ii. Upon a second or subsequent conviction under this By-law, to a fine of not less than \$500 and not more than \$100,000 per offence;
- b) Every Person who is guilty of a continuing offence under this By-law shall upon conviction be subject to a fine of not less than \$500 and not more than \$10,000 for each day or part of a day that the offence continues up to a maximum of \$100,000 per continuing offence.
- c) When a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any Court of competent jurisdiction thereafter may, in addition to any other penalty or remedy imposed on the Person convicted, make an Order:
  - i. prohibiting the continuation or repetition of the offence by the Person convicted; and/or
  - ii. requiring the Person convicted to remove material from, repair or rehabilitate, at the convicted Person's expense, a property or undertaking to achieve compliance with this By-law within such reasonable time as the Court orders.
- d) The Township may recover its costs of remedying a violation of this By-law by invoicing the Owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll, and the exercise of any other available remedy.

## **7.0 EFFECTIVE DATES**

- a) This By-law shall come into force and effect upon its passage.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5<sup>th</sup> DAY OF MARCH 2025.**



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James Seeley, Mayor

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Justine Brotherston, Interim Municipal Clerk