



The Corporation of the Town of Pelham

By-law No. 02-2026

Being a by-law to regulate Election Signs within the Town of Pelham and to repeal By-law 3987(2018).

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* authorizes municipalities to pass by-laws respecting highways, and structures including fences and signs;

AND WHEREAS section 63 of the *Municipal Act, 2001* provides that a by-law may prohibit the placing or standing of an object on or near a highway and may provide for the removal of any such objects;

AND WHEREAS section 99 of the *Municipal Act, 2001* provides rules which apply to a by-law respecting advertising devices, including signs;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001* permits a municipality to establish a system of fines for offences under its by-laws;

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* authorizes a municipality to pass by-laws 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, or order of the municipality;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate election signs in the Town of Pelham and to enact this By-law for that purpose;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. Purpose

- 1.1. The purpose of this By-law is to regulate Election Signs within the Town of Pelham 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

2.1. In this By-law:

“Administrative Penalty” means an administrative penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

“Advance Voting Day” means one (1) or more days on which electors can cast ballots before Voting Day.

“Applicable Law” means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

“Boulevard” means the portion of a Road between the lateral property line and the edge of the curb, or, where there is no curb, between the lateral property line and the edge of the portion of the Road that is travelled or designed to be travelled by vehicles.

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

“Campaign Office” means the 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, which is designated by the Candidate or Registered Third Party Advertiser as the Campaign Office, and for which the address has been provided to the Town Clerk in writing.

“Canada Elections Act” means the *Canada Elections Act*, SC 2000, c. 9.

“Candidate” means:

- a. a candidate within the meaning of the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act, 1996*; 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 *Municipal Elections Act, 1996*.

“Council” means the Council of the Town of Pelham.

“Daylighting Triangle” means a triangular-shaped area of land free of buildings or structures or other visual obstructions, the size of which is prescribed by applicable engineering standards, and which is determined by measuring, from the point of intersection of street lines on a corner lot, and along each such street line and joining such points with a straight line. 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.

“Display” means to attach, affix, erect, or place an Election Sign on any Property.

“Dwelling Unit” means a dwelling unit as defined in Town of Pelham Zoning By-law No. 4481(2022), as amended from time to time.

“Election” means any federal, provincial, or municipal election, or By-Election, an election or By-Election to a local board or commission, and any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*..

“Election Act” means the Ontario *Election Act*, R.S.O. 1990, c. E.6.

“Election Headquarters” means the central location from which an Election is administered, and for the purposes of a municipal Election or By-Election, means Pelham Town Hall.

“Election Sign” means any poster, placard, bulletin, banner, notice, or other sign that advertises, promotes, or opposes the election of a political party or Candidate in an Election or By-Election or the position of a person registered to campaign with respect to a question on the ballot, and which:

- a. is not permanently affixed to the ground;
- b. is designed and intended to be readily moved from place to place;
- c. by the use of words, pictures, or graphics, or any combination thereof, is intended to influence, promote, oppose, or take a position; and
- d. in the case of an Election Sign that promotes the election of a Candidate, displays the name of the Candidate.

“Election Sign Deposit” means the amount deposited with the Town Clerk by a Candidate or Registered Third Party to permit the Display of Election Signs in the Town.

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

“Municipal Law Enforcement Officer” means a Municipal Law Enforcement Officer appointed by the Town.

“Niagara Region” means the Regional Municipality of Niagara.

“Nomination Day” means the day on which Persons can be nominated as Candidates for an Election or By-Election, which is determined in accordance with the *Municipal Elections Act, 1996*, the *Election Act*, or the *Canada Elections Act*.

“Park” means any land owned by or under the control of the Town that is established, dedicated, set apart or made available for public use and devoted to active or passive recreation and includes all buildings, structures, facilities and improvements thereon.

“Person” means an individual, corporation, partnership, or association, but for purposes of this By-law does not include the Town Clerk or any Municipal Law Enforcement Officer.

“Private Property” means any Property that is owned by a Person other than the Town, the Niagara Region, the Province of Ontario, or Canada.

“Property” means any land or premises within the Town.

“Public Property” means any Property that is owned by the Town, Niagara Region, the Province of Ontario, or Canada.

“Registered Third Party Advertiser” or **“Registered Third Party”** means Person that is registered under the *Municipal Elections Act, 1996* 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 general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Road Structure” means any structural component located within a Road that is designed or used to support, protect, or facilitate Road-related infrastructure, including but not limited to bridge supports, culverts, retaining walls, noise barriers, guide rails, utility poles, traffic control supports, and overhead sign trusses.

"Sidewalk" means any portion of a Road that is designated for pedestrian use and that is paved or otherwise improved for use by pedestrian traffic.

"Town Clerk" means the appointed Town Clerk of the Corporation of the Town of Pelham, or designate.

"Town" means the Corporation of the Town of Pelham or the geographic location of the municipality, as the context requires.

"Voting Day" means the day on which an Election or By-Election is held and which is determined in accordance with the *Municipal Elections Act, 1996*, the *Election Act*, or the *Canada Elections Act*.

"Voting Location" means a place where electors cast their ballots as approved by the federal, provincial or municipal Election officials, and includes any Road abutting the Private Property or Public Property on which a Voting Location is situated.

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

3. General Prohibitions

- 3.1. No Person shall Display, or cause or permit to be Displayed, an Election Sign except in accordance with this By-law and all Applicable Law.
- 3.2. No Person other than a Candidate or a Registered Third Party shall Display, or cause or permit to be Displayed, an Election Sign.
- 3.3. No Candidate or Registered Third Party shall Display, or cause or permit to be Displayed, an Election Sign without first submitting the required Election Sign Deposit prescribed by section 8 of this By-law. However, no sign permit is required to Display an Election Sign.
- 3.4. No Candidate shall Display, or cause or permit to be Displayed, an Election Sign for a municipal Election in any ward in which the Candidate is not officially nominated or registered.
- 3.5. As the Town does not endorse, favour, or approve any Candidate, and in order to avoid any inference or perception to the contrary, no Candidate or Registered Third Party shall Display an Election Sign on any Public Property, including but not limited to:
 - a. any Boulevard, Sidewalk, Road, or Road Structure;
 - b. any Park;
 - c. any Town cemetery;
 - d. any Town Fire Station;
 - e. any Town Public Works facility;
 - f. the Meridian Community Centre;
 - g. any branch of the Lincoln Pelham Union Public Library within the Town;
 - h. Old Pelham Town Hall; and
 - i. Pelham Town Hall.
- 3.6. No Candidate or Registered Third Party shall Display any Election Sign:
 - a. in the case of a regular municipal Election or a municipal By-Election, prior to 4:00 p.m. on Certification Day (the business day following Nomination Day); and

- b. in the case of a federal or provincial Election or By-Election, prior to the day on which the Writ of Election is issued.
- 3.7. Notwithstanding subsection 3.6 of this By-law, Election Signs may be Displayed at a Campaign Office once the Candidate or Registered Third Party has filed their nomination/registration papers and paid the required nomination fee. The Town Clerk must have been notified of the location of the Campaign Office prior to the Display of Election Signs.
- 3.8. Candidates and Registered Third Parties shall ensure that all Election Signs that the Candidate or Registered Third Party Displays, or causes or permits to be Displayed, comply with all Applicable Law.
- 3.9. No Person shall deface or willfully cause damage to a lawful Election Sign that is Displayed in accordance with this By-law and all Applicable Law.
- 3.10. Notwithstanding subsection 3.9 of this By-law, neither the Town nor any Municipal Law Enforcement Officer shall receive, investigate, or prosecute, complaints or allegations of theft or vandalism of Election Signs.

4. Display of Election Signs

- 4.1. An Election Sign may be Displayed on Private Property, provided that:
 - a. the Display does not contravene the provisions of this By-law;
 - b. the registered owner of the Private Property consents to the Display;
 - c. the Election Sign is not 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.
- 4.2. No Person shall remove an Election Sign from Private Property without the consent of the Candidate, the Registered Third Party, or the registered owner of the Private Property on which the Election Sign is Displayed.
- 4.3. To preserve the aesthetic and visual character of the Town and to minimize the creation of distractions or safety hazards for the public, only one (1) Election Sign per Candidate will be allowed per Private Property unless the Private Property consists of multiple Dwelling Units, in which case one Election Sign per Candidate per Dwelling Unit may be Displayed, provided that there is a minimum distance of one (1) metre between each Election Sign.
- 4.4. An Election Sign may be Displayed on or in a Vehicle, provided that:
 - a. the Display does not contravene the provisions of this By-law;
 - b. if the Election Sign is Displayed on the exterior of the Vehicle, it is mounted flush on the body of the Vehicle;
 - c. the Display does not contravene the provisions of the *Highway Traffic Act*, R.S.O. 1990, c.H.8; and
 - d. the Vehicle is not parked or left on Public Property for the purposes of Displaying the Election Sign.
- 4.5. No Person shall Display or cause or permit an Election Sign to be Displayed at any Voting Location or on or in any Vehicle that is parked at a Voting Location.

5. Election Sign Requirements

- 5.1. To preserve the aesthetic and visual character of the Town and to minimize the creation of distractions or safety hazards for the public, no Candidate or Registered Third Party shall Display or cause or permit to be Displayed an Election Sign that:
- a. bears all or any part of the logo, crest, or seal of the Town;
 - b. emits sound, odour, gas, liquid or solid;
 - c. is illuminated, has flashing lights, or rotating parts;
 - d. impedes or obstructs any door, window, or opening required for light, ventilation, egress or access to a building or structure;
 - e. interferes with utility lines, electrical wires, telecommunication cables or similar installations or with any structure appurtenant to such installations;
 - f. obstructs or impedes maintenance operations of the Town;
 - g. overhangs, impedes, or obstructs a Sidewalk or any area where pedestrian movement is reasonably expected;
 - h. is attached or affixed to a public utility pole, telephone pole, hydro pole, light standard or any other utility infrastructure;
 - i. is attached, affixed, painted or supported by a tree, stone or other natural object;
 - j. is located within a Daylighting Triangle;
 - k. interferes with or obstructs the visibility of any official sign or traffic control device;
 - l. imitates or uses any words, symbols, lights, or characters such as "stop", "look", "one way", "danger", or "yield", or otherwise resembles any traffic sign, traffic signal, or official sign in a manner that may interfere with, mislead, or confuse traffic;
 - m. is in a state of disrepair or is located where it is a general hazard to public safety; or
 - n. displays any language, symbol, or message that contravenes the provisions of the Criminal Code of Canada.
- 5.2. Election Signs shall have a maximum height and width of 1.5 metres and shall be Displayed at a height of no more than 1.5 metres above the ground, measured from the topmost point of the Election Sign.
- 5.3. Election Signs for a municipal Election must include the name of the Candidate
- 5.4. Election Signs Displayed, or caused or permitted to be Displayed, by a Registered Third Party Advertiser shall include the following information in accordance with the *Municipal Elections Act, 1996*:
- a. the name of the Registered Third Party Advertiser;
 - b. the municipality where the Registered Third Party Advertiser is registered; and
 - c. contact information for the Registered Third Party Advertiser, including a telephone number, mailing address and/or email address.

6. Removal of Election Signs

- 6.1. The Town Clerk is responsible for the administration of this By-law and may prescribe rules and procedures for the retrieval and destruction of Election

Signs that are removed in accordance with this By-law.

- 6.2. Without limiting subsection 6.1 of this By-law, for a municipal Election or By-Election, every Candidate and Registered Third Party shall remove all Election Signs that were Displayed by the Candidate or Registered Third Party within three (3) calendar days after Voting Day.
- 6.3. Without limiting subsection 6.1 of this By-law, for a provincial or federal Election or By-Election, every Candidate and Registered Third Party shall remove all Election Signs that were Displayed by the Candidate or Registered Third Party within seven (7) calendar days after Voting Day.
- 6.4. Where an Election Sign contravenes any provision of this By-law, or is Displayed in a manner that contravenes any provision of this By-law, the Town Clerk or a Municipal Law Enforcement Officer may remove it without notice or compensation to the Candidate, Registered Third Party, or Person that Displayed, or caused or permitted to be Displayed, the Election Sign.
- 6.5. Where an Election Sign is removed by the Town for any contravention of this By-law, the Town will deduct a penalty of twenty-five dollars (\$25.00) from the Election Sign Deposit paid by the Candidate or Registered Third Party responsible for the Election Sign. For clarity, a separate penalty shall be deducted from the Election Sign Deposit for each contravening Election Sign.
- 6.6. The Town shall store all Election Signs removed pursuant to this By-law for a period of thirty (30) calendar days after Voting Day and may thereafter destroy any Election Signs that have not been retrieved by the Candidate, Registered Third Party, or Person responsible for the Election Sign, without notice or compensation.

7. Enforcement

- 7.1. This By-law shall be administered by the Town Clerk and enforced by the Town Clerk and Municipal Law Enforcement Officers.
- 7.2. The Town Clerk and Municipal Law Enforcement Officers may, for the purpose of enforcing this By-law, exercise any power, authority, or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 7.3. No Person shall obstruct or hinder, or attempt to obstruct or hinder, the Town Clerk or a Municipal Law Enforcement Officer in the exercise of a power or the performance of a duty under this By-law.
- 7.4. A Municipal Law Enforcement Officer may, at all reasonable times, enter upon and inspect any land to determine if this By-law is being complied with.
- 7.5. For the purposes of an inspection under subsection 7.1, a Municipal Law Enforcement Officer may require the production for inspection of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, take photographs, and/or require information from a Person concerning a matter related to the inspection.

8. Election Sign Deposit

- 8.1. Prior to the Display of any Election Sign, all Candidates and Registered Third Party Advertisers shall pay an Election Sign Deposit to the Town, by cash, debit, or cheque, in the following amounts:
 - a. Mayoral Candidates: \$250.00
 - b. Regional Councillor Candidates: \$250.00

- c. Third Party Advertisers: \$250.00
 - d. Provincial Office Candidates: \$250.00
 - e. Federal Office Candidates: \$250.00
 - f. Ward Councillor Candidates: \$200.00
 - g. School Board Trustee Candidates: \$200.00
- 8.2. If at any time the amount of any penalties deducted pursuant to subsection 6.5 of this By-law exceeds the amount of the Election Sign Deposit paid by a Candidate or Registered Third Party Advertiser, the Town shall notify them that the Election Sign Deposit has been exhausted. Upon receipt of such notice, the Candidate or Registered Third Party Advertiser shall make a further Election Sign Deposit forthwith and shall not Display any Election Signs until the Election Sign Deposit has been paid.
- 8.3. Election Sign Deposits will be refunded within ninety (90) calendar days after Voting Day, less any penalties deducted pursuant to subsection 6.5 for the removal of Election Signs by the Town.

9. Penalty

- 9.1. 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.
- 9.2. 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 for Non-parking By-laws No. 68-2023, as amended, be liable to pay to the Town an Administrative Penalty in accordance with that By-law.
- 9.3. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended, applies to each Administrative Penalty issued pursuant to this By-law.

10. General

- 10.1. The short title of this By-law is the "Election Sign By-law".
- 10.2. 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.
- 10.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 10.4. 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.
- 10.5. This By-law shall be read with all changes in number or gender as are required by context.
- 10.6. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 10.7. The Town Clerk is hereby authorized to effect 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.

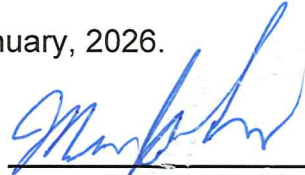
11. Repeal and Enactment

11.1. By-law 3987(2018) is hereby repealed and replaced.

12. Effective Date

12.1. This By-law shall come into force on the date that it is enacted.

Read, enacted, signed and sealed this 14th day of January, 2026.



Marvin Junkin, Mayor



Sarah Leach, Acting Town Clerk