



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-016

A by-law to regulate election signs in the Town of Oakville

WHEREAS subsection 11(3) of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended (the “Municipal Act”) authorizes municipalities to pass by-laws respecting signs;

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;

WHEREAS subsection 425(1) of the Municipal Act provides that a municipality may pass by-laws providing that a person who contravenes any by-law of the municipality passed under the Act is guilty of an offence;

WHEREAS subsection 434.1(1) of the Municipal Act provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

WHEREAS Sign By-law 2018-153, as amended, regulates signs within the Town of Oakville, other than election signs;

COUNCIL ENACTS AS FOLLOWS:

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1. Definitions

(1) In this By-law:

“Administrative Penalties for Non-Parking Violations and Orders By-law”
means the Town’s By-law 2021-038, or successor by-laws;

“Agent” means a person duly appointed by the candidate to act on their behalf;

“Boulevard” means that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk, shoulder or combined facility, if any;

“Campaign Office” means a building or portion of a building which is used by a candidate or an agent of a candidate as part of an election campaign and where a candidate's campaign staff are normally present, and the public may enter to obtain information regarding the candidate;

“**Candidate**” means a person who has been nominated under the *Canada Elections Act*, S.C. 2000, c. 9, the *Election Act*, R.S.O. 1990, c. E.6 or the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched.;

“**Cenotaph**” means a monument or memorial to people who died in war, specifically those who are buried elsewhere, that is located on Town property;

“**Construction Zone**” is an area where construction, repair or maintenance work is being performed on a highway;

“**Corporate Brand**” refers to the unique corporate identity, standards, and images associated with the Town, including the Town’s name, logo, visual design (including colours), values, messaging, and overall community strategy;

“**Council**” means the Council of the Corporation of the Town of Oakville;

“**Designated Official**” means the Director of Municipal Enforcement Services, or designate;

“**Election Sign**” means a double or single-faced sign advertising or promoting the election of a candidate for public office in a federal, provincial or municipal election, including signs promoting the position of a person registered to campaign with respect to a question on a ballot, third-party election signs and signs promoting a question put to electors by referendum, not including election campaign literature such as pamphlets and brochures;

“**Frontage**” means the length of the property line of any lot that is parallel to and along each legally accessible public street;

“**Halton Region**” means The Regional Municipality of Halton;

“**Height**” means the height of an election sign measured by the vertical distance from the ground on which it stands to the highest point of the sign and includes any support structure or ornamental feature;

“**Highway**” includes a common and public highway, street, avenue, parkway, lane, alley, driveway, square, place, bridge, viaduct, or trestle, designed and intended for, or used by, the general public for passage of vehicles;

“**Illumination**” means artificial light directly from or from a source of light connected to an election sign, or light focused upon or chiefly directed at the surface of an election sign or where an election sign is comprised of a material that glows or lights up, including but not limited to a neon sign and “illuminated” has a similar meaning;

“Officer” means any person authorized by the Town to enforce by-laws and includes Municipal Law Enforcement Officers, police officers, and provincial offences officers;

“Official Sign” means any sign erected by or under the jurisdiction of a federal, provincial or municipal government or agency and any sign required by a federal or provincial statute or municipal by-law;

“Owner” includes:

- (a) the registered owner(s) of the property;
- (b) the person, for the time being, managing or receiving the rent from a building on the property, whether on the person’s own account or as agent of any other person, or who would receive the rent if the building on the property were let;
- (c) an occupant of a building on the property; or
- (d) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

“Park” includes all public parks, gardens, gorges, trails, valleys, squares, athletic fields, harbor lands and recreation grounds within the Town of Oakville under the management and control of the Parks and Open Space Department of the Town;

“Penalty Notice” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders Bylaw;

“Person” means an individual, business, firm, corporation, association, partnership, or any combination thereof;

“Rates and Fees Schedule” means the Town’s current rates and fees schedule approved by Council as part of the annual budget approval process;

“Referendum” means the asking of a political question to an electorate, for direct decision by general vote;

“Registered Referendum Committee” means any person who, or group that, is registered under section 13 of the *Referendum Act*, S.C. 1992, c. 30;

“Registered Third Party Advertiser” means an individual, corporation or trade union that is registered under section 88.6 of the *Municipal Elections Act, 1996*;

“Third Party Election Sign” means any third party advertisement by a registered third party advertiser;

“Town” means The Corporation of the Town of Oakville or the geographic area of the Town of Oakville, as the context requires;

“Town Property” means municipal property owned, occupied or leased by the Town of Oakville;

“Trustee” means a candidate for the office of trustee for a district school area that falls within Oakville’s boundaries, as defined by the *Education Act, R.S.O. 1990, c. E.2*;

“Vehicle Sign” means any form of election sign displayed in or on a vehicle, including a vehicle wrap;

“Voting Day” means the day on which the final vote is taken in an election;

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

- (a) when a voting place is located on Town property, includes all the area enclosed by the lot lines of the Town property and any highway abutting, and
- (b) when a voting place is located on private property, includes all of the common elements of the private property and any highway immediately abutting.

2. Interpretation

- (1) This By-law is a designated by-law under the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) The table of contents and section headings used in this By-law are for convenient reference only and shall not form part of this By-law.
- (3) This By-law does not apply to signs placed by the Town, Halton Region 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.

3. Election Sign Permit

- (1) No candidate, candidate's agent, registered third party advertiser or registered referendum committee shall place or permit the placement of an election sign without:
 - (a) obtaining an election sign permit from the Designated Official; and
 - (b) paying the election sign permit fee as set out in the rates and fees schedule.
- (2) The election sign permit fee referred to in subsection 3(1)(b) is non-refundable and non-transferrable.

4. Timing for Placement of Election Signs

- (1) No person shall place or otherwise display an election sign:
 - (a) in the case of a federal or provincial election or by-election, prior to the day that the writ for the election is issued;
 - (b) in the case of a federal referendum, prior to the day that writ of referendum is issued;
 - (c) in the case of a municipal election, more than 30 days prior to voting day; or
 - (d) on the property of a voting place 48 hours prior to voting day, during any advance voting and during voting hours.
- (2) Election signs may be placed or otherwise displayed on campaign offices:
 - (a) from the day the writ of election is issued for a federal election or provincial election; or
 - (b) despite subsection 4(1)(c) and in accordance with this By-law, once the candidate in a municipal election has filed their nomination with the Town Clerk, or designate; or
 - (c) despite subsection 4(1)(c) and in accordance with this By-law, once a registered third party advertiser has filed their registration with the Town Clerk.

- (3) Election signs may be placed or otherwise displayed at the offices of a registered referendum committee from the day the writ of referendum is issued.
- (4) Vehicle signs:
 - (a) may only be displayed as set out in subsection 4(1)(a), 4(1)(b) and 4(1)(c); and
 - (b) may not be displayed on the property of a voting place at any time during advance voting and during voting hours.
- (5) Election signs shall be removed by the respective candidate, candidate's agent, registered third party advertiser or registered referendum committee within seventy-two (72) hours immediately following voting day.

5. General Prohibitions

- (1) No person shall place or permit the placement of an election sign except in accordance with this By-law.
- (2) No person shall place or permit the placement of an election sign without obtaining an election sign permit.
- (3) No person shall permit an election sign to be left in a state of disrepair.
- (4) No person shall fail to remove, alter or repair an election sign which is not in compliance with the provisions of this By-law when so directed by an Officer.
- (5) No person shall obstruct or hinder an Officer from removing an election sign in accordance with section 12.
- (6) No person shall display the Town's corporate brand on an election sign.
- (7) No person shall place or permit the placement of an election sign on private property without the consent of the owner or occupant of the property and without advising them of the size of the election sign.
- (8) No person shall place or permit to be placed an election sign on a road allowance or boulevard adjacent to a residence, excluding multi-unit residences such as apartment buildings and condominiums, except where an occupant of the dwelling has agreed to the location and the location is otherwise in compliance with this By-law.

- (9) The occupant of a dwelling may remove and dispose of an election sign that has been placed or permitted to be placed on a road allowance or boulevard adjacent to their residence without their consent.
- (10) No person shall use any digital display units, animated lights, or any form of animation or illumination on a vehicle sign.
- (11) No person shall place or permit the placement of an election sign that is animated, contains any video display elements, is illuminated, has flashing lights, emits sound, moves or simulates motion, made of reflective material or has any attachments adding to its height or width that result in the election sign being larger than the dimensions permitted under subsection 10(1).

6. General Regulations

- (1) Candidates, registered third party advertisers, and registered referendum committees as the case may be, are responsible for the placement, maintenance and removal of election signs and shall ensure that all requirements of this By-law are met.
- (2) Candidates in a municipal election for the offices of Mayor and Regional Chair may place or permit the placement of election signs in all Wards within the Town.
- (3) Candidates in a municipal election, except for the offices of Mayor and Regional Chair, may only place or permit the placement of election signs within the Ward where they are running for office.
- (4) Candidates in a municipal election for the offices of trustee may only place election signs in the Ward(s) where they are running for office.
- (5) Candidates in provincial and federal elections may only place or permit the placement of election signs in the riding where they are running for office.
- (6) The only election signs which may be placed within the Town are:
 - (a) election signs for a candidate running to represent the Town or a portion thereof;
 - (b) election signs promoting a position with respect to a question on a ballot or on a referendum upon which eligible voters in the Town may vote; or
 - (c) third party election signs in support of or in opposition to:

- (i) a candidate running to represent the Town or a portion thereof; or
 - (ii) a question on a ballot upon which eligible voters in the Town may vote.
- (7) All election signs promoting a candidate shall include the candidate's name on the election sign in a plainly visible and readable format.

7. Campaign Office Election Signs

- (1) Campaign office election signs shall only display:
- (a) the name of a candidate in a municipal election; or
 - (b) the name of a candidate and may include the name and/or logo of a political party in a federal or provincial election; or
 - (c) the name of a registered third party in a municipal election; and
 - (d) the location of a candidate's or registered third party's campaign office;
- and shall contain no other message.
- (2) A candidate for the position of Town Councillor, Town and Regional Councillor or Trustee may display election signs at no more than one (1) campaign office in the Ward where the candidate is running for office.
- (3) A candidate for the position of Mayor or Regional Chair may display election signs at no more than four (4) campaign offices within the Town.

8. Registered Referendum Committee Election Signs

- (1) Referendum committees must be registered with the Chief Electoral Officer as set out in section 13 of the Referendum Act before placing any election signs.

9. Third Party Election Signs

- (1) Third party advertisers must be registered with the Town Clerk prior to placing any election signs.
- (2) Each third party election sign shall contain valid and up-to-date information and identify:

- (a) the name of the registered third party advertiser;
- (b) the municipality where the third party is registered; and
- (c) a telephone number, mailing address or email address at which the registered third party may be contacted regarding the third party election sign.

10. Election Sign Size Standards

- (1) An election sign shall have a maximum:
 - (a) sign area of 1.49 square metres (16 square feet);
 - (b) height of 1.22 metres (4 feet); and
 - (c) width of 1.22 metres (4 feet).

11. Location of Election Signs

- (1) No person shall place or permit the placement of an election sign:
 - (a) on or within any Town property other than arterial road allowances as designated by the Town's Official Plan, including major, multipurpose, minor and industrial arterial road allowances;
 - (b) on any major arterial or minor arterial transit corridor north of Dundas Street;
 - (c) despite subsection 11(1)(a), in a construction zone as established by the Director of Roads and Works of the Town, or designate, or the Director of Transportation and Engineering for the Town, or designate;
 - (d) on or within any road allowance abutting any Town owned building or Town park;
 - (e) overhanging any Town property other than a road allowance;
 - (f) on any utility pole, official sign or official sign structure;
 - (g) on any tree, tree support, or fence on Town property;

- (h) at any location on Town property where the election sign might obstruct any door, window, fire exit or any opening required for light, ventilation, ingress, egress or firefighting;
 - (i) at any location on Town property where the election sign might interfere with underground services;
 - (j) at any location where the election sign could obstruct the view of any pedestrian or driver of a motor vehicle or obstruct the visibility of a traffic sign or device, or where it could interfere with vehicular traffic so that it could endanger any person; or
 - (k) at any location where such election sign, in the opinion of the Designated Official, constitutes a safety hazard to the general public.
- (2) No person shall place or permit the placement of an election sign within a road allowance where the election sign is:
- (a) on any center median, traffic island or center boulevard;
 - (b) within 1.5 m of a fire hydrant, curb, driveway or the travelled portion of a street;
 - (c) within 30.0 m of any intersection;
 - (d) within 15.0 m of any bus stop;
 - (e) on any railing, retaining wall, bridge, bench, garbage can or structure of any kind;
 - (f) on Town property within 100.0 m of any property line of a voting place; or
 - (g) within 20.0 m of another election sign for the same candidate.
- (3) No person shall place or permit the placement of an election sign along the frontage of properties where a cenotaph is located.
- (4) Despite subsection 11(2) and subsection 11(3), an election sign may be installed on Town property where paid advertising is permitted (e.g. bus shelters). Such signs may not be placed on the property of a voting place at any time during advance voting or during established voting hours.

12. Removal and Return of Election Signs

- (1) The Designated Official or an Officer may remove and store any election sign placed in contravention of this By-law without notice. As soon as practicable after the removal occurs, the Designated Official shall notify the candidate, the registered third party advertiser or the registered referendum committee of the removal in a time and manner as determined by the Designated Official.
- (2) The Designated Official shall return any election sign which has been removed to the candidate, registered third party advertiser or registered referendum committee upon payment of the fees specified in the rates and fees schedule, provided:
 - (a) the candidate, registered third party advertiser, registered referendum committee or their agent has contacted the Designated Official to make an appointment for the retrieval of the sign; and
 - (b) the candidate, registered third party advertiser, registered referendum committee or their agent presents acceptable government issued identification and authorization letter when retrieving signs, upon request.
- (3) Any election signs remaining in the Designated Official's custody seven (7) business days following voting day may be destroyed without notice.
- (4) The Designated Official may recover the expense of the removal of an election sign from the candidate, registered third party advertiser or registered referendum committee and may commence proceedings against them to recover such costs.
- (5) No election sign may be retrieved on voting day.

13. Order

- (1) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an Order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Any person who contravenes an Order under this By-law is guilty of an offence.

14. Fees and Charges

- (1) Council may, from time to time, impose fees and charges to recover costs in relation to the administration and enforcement of this By-law.

15. Administrative Penalties

- (1) An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person in accordance with the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law.
- (2) Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule.
- (3) If an Officer has issued a penalty notice under subsection 15(1) of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this Bylaw, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person.
- (4) Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule.
- (5) If an Officer has issued a penalty notice under subsection 15(3) of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this Bylaw, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person.
- (6) Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule.
- (7) A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law.

16. Liability for Damages

- (1) The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person placing any election sign for personal injury or property damage resulting from the placing of such election sign or resulting from the negligence or willful acts of such person, or their agents or employees, in the construction, placing, maintenance, repair or removal of such election sign.
- (2) The Town shall not be responsible for any damage to, or loss of, an election sign that occurs during its removal, transportation, storage, or disposal. The candidate, agent or registered third party advertiser assumes all risk associated with the removal of the election sign by the Town.

17. Notices

- (1) Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law.

18. Penalty

- (1) Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33.

19. References

- (1) References in this By-law to any legislation or by-law means as may be amended or successor by-laws or legislation and includes any regulations thereunder.

20. Severability

- (1) In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

21. Title

- (1) This By-law may be known as the "Election Sign By-law."

22. Effective Date

- (1) This By-law comes into force and effect on the date it is passed.

PASSED this 27th day of January, 2025

MAYOR

CLERK