THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2026-016

A By-law to regulate the size, use, location and maintenance of election signs within the Town of Caledon

WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 11(3) paragraph 7 provides a lower-tier municipality may pass by-laws, respecting matters within their sphere of jurisdiction with respect to structures, including fences and signs;

AND WHEREAS *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.* Section 88.2 provides no landlord or person acting on a landlord's behalf, condominium corporation or any of its agents, may prohibit a tenant from displaying signs in relation to an election on the premises to which the lease relates or is displayed on their owned unit, subject to set reasonable conditions relating to the size or type of signs in relation to an election that may be displayed on the premises and any prohibition of displaying signs in relation to an election in common areas of the building in which the premises are found;

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 99(2)(3) provides all costs and charges incurred by a municipality for the removal, care and storage of an advertising device that is erected or displayed in contravention of a by-law of the municipality are a lien on the advertising device that may be enforced by the municipality under the Repair and Storage Liens Act, and all costs and charges incurred for disposing of described advertising devices may be recovered by the municipality as a debt owed by the owner of the device;

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 431 provides any by-law of a municipality under any Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted;

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 436 paragraph 1 authorizes a municipality the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with a by-law of the municipality passed under this Act;

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 445 authorizes if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS *Municipal Act, 2001, S.O. 2001, c. 25* section 446 authorizes if a municipality has the authority under a by-law under any Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it necessary to regulate election signs within the Town of Caledon;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

This by-law is a by-law to regulate the size, use, location and maintenance of election signs within the Town of Caledon, shall be known as the Election Sign By-law, containing the following parts:

PART 1 - DEFINITIONS

1.1 In this By-law:

"**Campaign office sign**" means any sign which solely identifies the name of a candidate in a federal, provincial or municipal election, and/or the location of a candidate's campaign office, and contains no other message.

"Canada Elections Act" shall mean the *Canada Elections Act, S.C. 2000, c. 9)*.

"Candidate" shall have the same meaning as in the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as applicable and as amended from time to time, shall include any person acting as an agent for and on behalf of a candidate and shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law submitted to the electors under section 8 of the Municipal Elections Act.

"Clerk" shall mean the Clerk of the Corporation of the Town of Caledon.

"Election Act (Ontario)" shall mean the *Election Act, R.S.O. 1990, c. E.6.*

"Election day" or **"Voting day"** means any day on which electors cast their ballot at a voting location in a municipal, provincial or federal election.

"Election sign" includes an outsider election sign and means a sign that is entirely intended to advertise and promote a candidate in a municipal, provincial or federal election, or intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors pursuant to the Municipal Elections Act.

"Height" means the vertical distance measured from the lowest grade immediately below the sign to the highest point of the sign or sign structure, whichever is greatest.

"Highway" shall have the same meaning as in the *Highway Traffic Act, R.S.O. 1990, c. H.* and includes a public highway, street, parkway, driveway, bridge and trestle, any part of which is intended for or ordinarily used by the general public for the passage of motor vehicles.

"Lot" means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act, or is described in accordance with a registered plan of condominium, and "Property" has the corresponding meaning.

"Lot line" means the line which bounds a lot in the title to the property.

"Municipal Elections Act" means the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.,* as amended.

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

"Outsider election sign" means any sign which has been placed without the authorization, direction or involvement of a candidate and which advertises or promotes a candidate in a municipal election or is intended to influence persons to vote for or against any candidate or any question or by-law submitted to the electors pursuant to the Municipal Elections Act.

"Owner" means a person registered on title to the land, who owns or has charge or is in control of the lot, premises, building or other structure or part thereof, and includes a lessee, tenant, occupant or a mortgagee in possession thereof.

"Permit" means a permit issued under this by-law permitting the placement of a sign.

"Person" means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the Condominium Act, 1998, S.O. 1998, c. 19, as amended, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law, and includes directors and/or officers of a corporation and an owner.

"Place", **"placed"** or **"placement"** means the positioning, siting, installation or relocation of any election sign or part thereof.

"Planning Act" means the *Planning Act, R.S.O. 1990, c. P.13*, as amended.

"Premises" means the area of a building and/or lot, or part thereof, occupied by a business or enterprise. In a multiple tenancy building occupied by more than one resident or business, each residential or business unit shall be considered a separate premises.

"Property" has the same meaning as lot.

"Provincial Offences Act" means the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended.

"Public authority" means any department, appointed agency or commission of the Town, the Regional Municipality of Peel, the Province of Ontario, the Government of Canada any governmental body, commission, committee, school board, public transit authority, department or agency, conservation authority or a local hydro utility.

"Public lands" means property, land, streets or buildings owned by a public authority and includes all of the area enclosed by the lot lines of the property.

"Public property" means any property owned by a public authority including, without limitation, public benches, bus shelters, public mailboxes, utility boxes, and art installations.

"Registered third party" means an individual, corporation or trade union that is registered pursuant to the Municipal Elections Act and shall only be referenced in relation to a municipal election.

"Sign" means any advertising or notification device and any visual medium including its structure and other component parts, which is used or is capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, or advertising purposes.

"Street" means a public thoroughfare under the jurisdiction of either the Town, the Regional Municipality of Peel or the Province of Ontario, but does not include a public right of way or road allowance, private lane, a private right-of-way or a private road.

"Town" means the Corporation of the Town of Caledon, it's employees or agents including municipal by-law enforcement officers or the geographical area under its jurisdiction, as the context permits.

"Vehicle" means any object manufactured or designed for the purpose of conveyance of people or goods and includes but is not limited to motorized vehicles, trailers, wagons, tractors, construction machinery, bicycles and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

"Voting location" means a location designated by the Town in accordance with the Municipal Elections Act, the Elections Act or the Canada Elections Act where electors cast their ballot and includes all of the area enclosed by the lot lines of the property, including any public right of way or road allowance abutting a street adjacent to the voting location.

PART 2 – SCOPE AND APPLICATION

2.1 The provisions of this by-law shall apply to all lands within the limits of the Town.

2.2 The intent of this by-law is to regulate election signs in relation to candidate and community needs, community appearance and safety.

PART 3 – NO PERMIT REQUIRED

3.1 No permit is required for the placement of election signs or campaign office signs.

PART 4 – PERMITTED LOCATIONS

4.1 Subject to the prohibitions and conditions set out in Part 5 of this by-law, election signs may be placed or displayed on private property with the consent of the owner of the lot.

PART 5 – PROHIBITIONS AND CONDITIONS

5.1 No person shall place or cause to be placed an election sign or a campaign office sign except in accordance with the provisions of this by-law.

5.2 An election sign shall not contravene the Canada Elections Act, the Election Act (Ontario), the Municipal Elections Act, or any other relevant legislation.

5.3 No election sign shall be placed or displayed before a deposit in accordance with clause 9.1 or 9.2 has been made by or on behalf of a candidate, a candidate's agent or a registered third party.

5.4 No person shall place or display an election sign:

a) on public lands with the exception of dedicated advertising space if permitted pursuant to the terms and conditions of any agreement with the owner or operator of the space,

b) on a tree, utility pole, light standard or public property,

c) at a voting location, except that if a voting location is on private property, then no election sign is permitted to be placed or displayed on an election day,

d) that displays an electronic message display,

e) in any location where it may obstruct the safe operation or visibility of vehicular traffic including but not limited to impairment of traffic or pedestrian signals, cyclists or pedestrians, obstruct highway sightlines, or impede a door or fire escape of a building, and

f) without the consent of the candidate to whom the sign relates or the registered third-party advertiser responsible for the outsider election sign.

5.5 The candidate or the registered third party to whom an election sign relates shall be responsible for the placement or display of the election sign and shall ensure that all the requirements of this by-law have been met.

5.6 Not more than one (1) election sign per candidate or registered third party advertiser shall be placed on a lot at any one time.

5.7 The owner of the lot or premises upon which an election sign is located shall maintain or cause such election sign to be maintained in a proper state of repair.

5.8 No person shall remove, deface or willfully cause damage to a lawfully placed or displayed election sign.

PART 6 – CAMPAIGN OFFICE SIGNS

6.1 A campaign office sign may be placed if:

a) the campaign office sign is placed on a campaign office,

b) no more than one campaign office sign is placed at a campaign office,

c) the campaign office sign does not interfere with the safe operation of motor vehicular traffic, cyclists, and with the safety of pedestrians, and must not obstruct visibility or block sightlines.

PART 7 – TIMING

7.1 An election sign and a campaign office sign shall not be placed prior to the issuance of writs for a provincial or federal election or on the forty-fifth (45th) day before the final day of a municipal election.

7.2 Candidates or registered third parties must remove all their election signs and campaign office signs within seventy-two (72) hours following the closing of polls on the final election day.

PART 8 – SIZE

8.1 The height of an election sign shall not exceed 1.0 metre, except that for any lot having a lot frontage of 50 metres or greater, the height of an election sign shall not exceed 2.4 metres.

8.2 The election sign area shall not exceed 0.6 squared metres, except that for any lot having a lot frontage of 50 metres or greater, the election sign area shall not exceed 1.5 squared metres.

PART 9 – SECURITY DEPOSIT AND REMOVAL FEES

9.1 The following security deposits shall be paid to the Town prior to the placement or display of any election sign or campaign office sign for a Municipal Election or By-election:

a) Mayor - $300.00,

b) Councillor or Trustee - $150.00,

c) Registered Third Party - $150.00.

9.2 The following security deposit shall be paid to the Town prior to the placement or display of an election sign for a Federal and/or Provincial Election or By-election:

a) All candidates - $300.00.

9.3 Any election sign found to be in violation of this by-law is subject to seizure by the Town and any such seized signs shall be stored up to ten (10) days after the Election

day; a candidate, or any person acting on the behalf of a candidate, or a registered third party may retrieve a sign stored by the Town but the Town may, without notice or compensation to any person, destroy or otherwise dispose of any election sign that has not been retrieved within the aforementioned period.

9.4 If an election sign is removed by the Town in accordance with this by-law, the candidate or registered third party to whom the election sign relates will be charged a sign removal fee of $20.00 per sign and such charges will be deducted from the security deposit set out in sections 9.1 and 9.2 to compensate for the cost of removal of the election sign.

9.5 Subject to any deductions made pursuant to clause 9.4, a candidate or registered third party is entitled to have their election sign deposit refunded no later than 90 days after election day.

9.6 A sign removal fee, as set out in Clause 9.4, shall be waived if the candidate or registered third party provides an affidavit indicating that neither the candidate or registered third party, to the best of the candidate's or registered third parties' knowledge, was responsible for the unlawful placement or display of the election sign.

9.7 If the costs incurred by the Town in removing a candidate's or registered third parties' signs exceed the election sign deposit paid by the candidate or registered third party, the Town shall notify the candidate or registered third party in writing of the additional amount to be paid and the candidate or registered third party shall have five (5) days after the date notice is received to pay that amount.

PART 10 – ADMINISTRATION

10.1 The Clerk is hereby delegated the authority to administer this by-law which includes receiving deposits and any fees established under this by-law and authority to enforce this by-law is hereby delegated to any employee, agent or designate of the Town as may be so requested by the Clerk.

PART 11 – ENFORCEMENT

11.1 The Town may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine compliance with this by-law.

11.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, the Town from exercising any power or authority, or performing a duty as permitted under this by-law.

PART 12 – OFFENCE AND PENALTY

12.1 Every Person who contravenes any provision of this by-law is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended ("AMPS By-Law").

12.2 Each day that a contravention of this by-law continues constitutes a new and separate offence and may be subject to an Administrative Penalty for each such offence.

12.3 An Administrative Penalty imposed on a Person for a contravention of this By-law shall be a debt to the Town if the Administrative Penalty is not paid within the prescribed timeframe pursuant to the Administrative Monetary Penalty By-law 2024-086, as amended, the debt may be added to the municipal tax roll and collected in the same manner as municipal taxes.

12.4 Every Person who directly or indirectly contravenes or who causes or permits a contravention of any provision of this by-law is guilty of an offence and upon conviction is liable to a fine, as such other penalties, as provided for by the Provincial Offences Act.

12.5 All contraventions of any provision of this by-law are designated multiple and continuing offences pursuant to subsection 429(2) of the Municipal Act. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

12.6 Any person who is charged with an offence under this by-law by the laying of an information under Part III of the Provincial Offences Act and is found guilty of the offence is liable, pursuant to that Act, to the following fines:

a) a minimum fine of $500 and a maximum fine not exceeding $100,000,

b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of $500, and a maximum fine not exceeding $10,000, and the total of all daily fines for the offence is not limited to $100,000, and

c) in the case of a multiple offence, for each offence included in the multiple offences, a minimum fine of $500, and a maximum fine not exceeding $10,000, and the total of all fines for each included offence is not limited to $100,000.

12.7 Every person who is convicted of an offence under this by-law may be liable, in addition to the fines established under clause 12.4, to a special fine, which may exceed $100,000, designed to eliminate or reduce any economic advantage or gain from contravening this by-law.

12.8 Upon conviction for an offence under this by-law, 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 of competent jurisdiction thereafter may make an order:

a) prohibiting the continuation or repetition of the offence by the person convicted, and

b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

PART 13 – INDEMNIFICATION

13.1 Any person who posts or is responsible for a sign, regardless of whether the sign is compliant with the provision of this by-law, shall be deemed to undertake to, and shall, save harmless and indemnify the Town, its officers, employees, servants or agents from any claims associated with any injury, loss or damage to any person or property, as a result of any such sign.

PART 14 – SEVERABILITY

14.1 Should any part, Section, Subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provision so declared to be invalid.

PART 15 – CONFLICT

15.1 Where there is a conflict of the provisions between this by-law and any other by- law of the Town with respect to election signs, the provisions of this by-law shall prevail.

Enactment

This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 30th day of March, 2026.

Annette Groves, Mayor

Kevin Klingenberg, Municipal Clerk