

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW XX-2026

Being a By-law to Regulate Election Signs in the Village of Merrickville-Wolford

WHEREAS subsection 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Municipal Act, 2001”), provides that municipal powers shall be exercised by By-law; and

WHEREAS subsection 11 (3), paragraph 7 of the *Municipal Act, 2001* authorizes the Corporation of the Village of Merrickville-Wolofrd to pass By-laws respecting signs; and

WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers; and

WHEREAS subsection 63 (1) of the *Municipal Act, 2001* provides that a By-law may prohibit or regulate the placing or standing of an object on or near a highway, and may provide for the removal and impounding or restraining and immobilizing any object placed or standing on or near a highway; and

WHEREAS section 425 of the *Municipal Act, 2001* established that any person who contravenes any By-law of the Corporation of the Village of Merrickville-Wolford is guilty of an offence; and

WHEREAS section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under that Act; and

WHEREAS section 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who has contravened a By-law or who caused or permitted the contravention, or the owner or occupier of land on which the contravention occurred to do work to correct the contravention; and

WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford is of the opinion that the legislative powers under this By-law shall be delegated to the Village Clerk, or their designate; and

WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford deems it expedient to pass a By-law to regulate the placement of election signs for federal, provincial and municipal elections and by-elections;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. Application of this Bylaw

1.1 This By-law applies to all Election Signs Placed within the Village of Merrickville-Wolford.

2. Short Title of this By-law

2.1 The short title of this By-law is the “Election Sign By-law”.

3. Administration of this By-law

3.1 The administration of this By-law is hereby delegated to the Village Clerk or their designate.

4. Interpretation of this By-law

4.1 General

In this By-law, the definitions and interpretations set out shall apply, unless unusual circumstances require otherwise as determined by the Municipality, and any words not specifically defined in this By-law shall carry their dictionary definition.

4.2 Singular and Plural Words and Genders

In this By-law, unless otherwise specifically indicated:

- Words used in the singular number include the plural and vice versa;
- Word variations, for example, Place, Placed, Placement and Placing shall have a similar meaning.

5. Definitions

5.1 With the exception of clause and sub-clause headings, defined terms in this By-law have the first letter capitalized. Words that are defined in sub-clause 5.2 below but appear within this By-law without the first letter capitalized shall have their ordinary and plain dictionary meaning.

5.2 In this By-law the following terms shall have the meaning indicated:

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

“Advance Voting Day” means one or more days, held not more than thirty (3) days before Voting Day, that are designated by the Village Clerk or relevant official as defined in the Canada Elections Act (Ontario) for electors to cast ballots prior to Voting Day.

“Billboard Election Sign” means an outdoor sign erected and maintained by a Person engaged in the sale or rental of the space on the Billboard Election Sign to a Candidate or Registered Third Party for the purposes of advertising, promoting, opposing or taking a position with respect to any Candidate or political party, or influencing electors to vote for or against an issue associated with a Candidate or political party, or influencing electors to vote for or against any Candidate or any question, law or by-law submitted to the electors.

“By-Election” means any Election other than a regular Election in the case of a municipal Election or a general Election in the case of a provincial or federal Election.

“Campaign Office” means a building or structure, or part of a building or structure, used by a Candidate or an agent of a Candidate or by a Registered Third Party or an agent of a Registered Third Party as part of an Election campaign and where a Candidate’s or Registered Third Party’s campaign staff is normally present and the public may enter to obtain information regarding the Candidate or Registered Third Party.

“Campaign Office Election Sign” means any sign Placed on a Campaign Office which only displays the name of a Candidate in a municipal Election, or

the name of a Candidate and/or the name and/or the logo of a political party in a federal and provincial Election, or the name of a Registered Third Party in a municipal Election, and the location of a Candidate's or Registered Third Party's Campaign Office, and contains no other message.

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

"Candidate" means a person who has been nominated to run in a municipal, provincial or federal Election, and shall be deemed to include a Registered Third Party seeking to influence electors to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act*, 1996.

"Election" means a general federal or provincial Election or a regular municipal Election and any question or by-law submitted to the electors and includes an Election to a Local Board or commission.

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

"Election Sign" means any image, words, sign, picture, device, notice or visual medium, or any combination thereof, including, without limitation any poster, placard, bulletin and banner which:

- i. Advertises, promotes, opposes or takes a position with respect to any Candidate or political party in a federal, provincial or municipal Election or By-Election, including an Election of a Local Board or commission; or
- ii. Is intended to influence electors to vote for or against an issue associated with a Candidate or political party in a federal, provincial or municipal Election or By-law election; or
- iii. Is intended to influence electors to vote or against any Candidate or any question, law or by-law submitted to the electors under the Canada Elections Act, the Election Act (Ontario), or section 8 of the Municipal Elections Act, 1996.

For the purposes of clarification, an Election Sign does not include any Election campaign literature (e.g. pamphlets and brochures) but does include a Billboard Election Sign, Campaign Office Election Sign, Third Party Advertisement and Vehicle Election Sign.

"Electoral District" means the geographic area represented by a member of a municipal council or a school board.

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

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

"Municipality" means the Corporation of the Village of Merrickville-Wolford.

“Nomination Day” for a regular municipal Election means the deadline to file a nomination with the Village Clerk under the *Municipal Elections Act, 1996*, as amended. In the case of a municipal By-Election, the Village Clerk shall fix the date of Nomination Day in accordance with the provisions of sub-section 65 (4) 1 of the *Municipal Elections Act, 1996*.

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

“Place” means to attach, install, erect, build, construct, reconstruct, move, display or affix. Placed, Placement and Placing shall have a similar meaning.

“Public Property” means property owned by or under the control of the Municipality, any of its agencies, Local Boards or commissions, including highways and Streets, and shall be deemed to include public utilities facilities, regardless of whether the Public Utility Poles are owned by or under the control of the Municipality and shall also be deemed to include benches, municipal garbage containers or other structures located on a Street regardless of whether the shelters, container or structures are owned by the Municipality. Property owned by the Municipality and leased to another Person shall not be deemed to be Public Property.

“Public Utility Pole” means a pole owned or controlled by an entity which provides a municipal or public utility service.

“Registered Third Party” or **“Third Party Advertiser”** means one of the following whose notice of registration has been certified by the Village Clerk pursuant to section 88.6 of the *Municipal Elections Act, 1996*:

- i. An individual who is normally a resident in Ontario; or
- ii. A corporation that carries on business in Ontario; or
- iii. A Trade Union that holds bargaining rights for employees in Ontario.

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

“Sight Triangle” – means the triangular space formed by the Travelled Roadways of the Streets abutting a corner lot and a line drawn from a point in one Travelled Roadway to a point in the other Travelled Roadway, each such point being 5.0 m (16.5 ft) from the point of intersection of the Travelled Roadways (measured along the curb lines or edge of pavement). Where the two Travelled Roadways do not intersect at a point, the point of intersection of the Travelled Roadways shall be deemed to be the intersection of the projection of the curb lines or edge of pavement.

“Street” means the allowance for a public road and includes the travelled and untraveled portions of the Street, including the shoulders and Sidewalks.

“Third Party Advertisement” means a sign or advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing a Candidate in a municipal Election or an Election of a Local Board or commission or intended to influence persons to vote for or against any Candidate or any question or by-law submitted to the electors under section 8 of the *Municipal Elections Act, 1996*, and which has been Placed without the authorization, direction or involvement of a Candidate.

“Trade Union” means a Trade Union as defined in the federal Labour Relations Act, 1995 or the Canada Labour Code (Canada) and includes a central, regional or district labour council in Ontario.

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

“Vehicle Election Sign” means any form of Election Sign displayed in or on a vehicle, including a vehicle wrap.

“Village Clerk” means the Clerk of the Village of Merrickville-Wolford or a person designated by them for the purpose of this By-law.

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

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

“Writ of Election” means the date as defined in the *Canada Elections Act* and the *Elections Act* (Ontario).

6. Candidate or Registered Third Party Responsible for Election Signs

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

7. General Provisions

7.1 No Person shall Place or permit to be Placed an Election Sign within the limits of the Municipality, except in accordance with this By-law and all applicable legislation.

7.2 This By-law shall not apply to signs Placed by the Municipality 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.

7.3 No Person shall Place or permit to be Placed an Election Sign on Public Property including a Street, save and except a Boulevard, provided that an Election Sign on a Boulevard is placed 1.5 metres from the improved section of street allowance and Site Triangles are not impacted.

7.4 No Person shall Place or permit to be Placed an Election Sign on any object or structure that is located within the limits of a Street allowance, including, but not limited to: a Public Utility Pole, a light standard, a traffic control sign or signal, a guardrail or other form of traffic safety structure or facility, a bus shelter, a community mailbox, a bridge, a trestle, a hydrant, a fence, or a tree.

- 7.5 For a municipal Election, no Person shall Place or permit to be Placed an Election Sign outside of the boundaries of the Electoral District(s) where the Candidate is running for office.
- 7.6 No Person shall Place or permit to be Placed an Election Sign on, in, or within 50.0 m (164 ft.) of a Voting Place or a place where the administration of Election processes are conducted on Advance Voting Day or Voting Day.
- 7.7 No Person shall Place or permit to be Placed an Election Sign on private property without permission or consent of the owner or occupant of the property.
- 7.8 No Person shall pull down or remove an Election Sign without the consent of the Candidate or Registered Third Party to whom the Election Sign relates or the owner or occupant of the property on which the Election Sign was Placed, except as otherwise provided for in this By-law.
- 7.9 No Person shall deface or willfully cause damage to an Election Sign.
- 7.10 No Candidate or Third Party Advertiser, as the case may be, to whom an Election relates shall permit an Election Sign to be left in a state of disrepair.
- 7.11 No Person shall Place or permit to be Placed an Election Sign on private property that:
- i. Is illuminated has flashing lights, or rotating parts;
 - ii. Measures more than 1.0 m (3.25 ft) by 2.0 m (6.5 ft) and has a height that is more than 2.15 m (7.0 ft) above the ground;
 - iii. Obstructs, impedes or interferes with any fire escape, fire exit door, window, skylight, flume, air intake or exhaust, or any means of access by a firefighter to any part of a building or fire hydrant;
 - iv. Impedes, hinders, or prevents parking by vehicles on private lands;
 - v. Impedes or obstructs the passage of pedestrians where they are reasonably expected to walk;
 - vi. Interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals; and
 - vii. Impedes or obstructs Municipal maintenance operations.
- 7.12 Sub-clauses 7.11 i) and 7.11 ii) of this By-law shall not apply to Campaign Office Election Signs, Billboard Election Signs or specified Vehicle Election Signs (ie. vehicle wrap).
- 7.13 Except for a sign Placed pursuant to sub-clause 7.2 of this By-law, no Person shall Place or permit to be Placed on any Election Sign a logo, trademark, crest, or official mark, in whole or in part, owned or licensed by the Municipality.

8. No Sign Permit or Permit Fee

- 8.1 Notwithstanding any other By-law of the Municipality to the contrary, no fee shall be charged by the Municipality and no permit shall be required in order to Place an Election Sign in accordance with this By-law.

9. Timing for Placement and Removal of Election Signs

Placement of Election Signs

- 9.1 No Person shall Place or permit to be Placed any Election Sign for a federal or provincial Election or By-Election prior to the day the Writ of the Election is issued.
- 9.2 No Person shall Place or permit to be Placed any Election Sign for a municipal Election or By-Election until a Candidate has filed their nomination papers to the satisfaction of the Village Clerk and paid the required filing fee.
- 9.3 Campaign Office Election Signs may be Placed once a Candidate has filed their nomination papers to the satisfaction of the Village Clerk and paid the required filing fee or Registered Third Party has registered to the satisfaction of the Village Clerk.

Removal of Election Signs

- 9.4 All Election Signs shall be removed within five days (120) hours of the day on which the Election or By-Election is held.
- 9.5 Where an Election Sign has been Placed on private property, it is the responsibility of the owner or occupant of the property to ensure that the Election Sign(s) is removed within the required time frame.

10. Election Signs Not Permitted Abutting Cemeteries

- 10.1 No Person shall Place or permit to be Placed an Election Sign on a cemetery or on any property that is abutting a cemetery.

11. Special Provisions for Vehicle Election Signs

- 11.1 No Person shall Place or permit to be Placed a Vehicle Election Sign except in accordance with the provisions of this By-law.
- 11.2 No Vehicle Election Sign shall be Placed on Public Property (other than a Street).
- 11.3 Notwithstanding sub-clause 11.2 of this By-law, a Vehicle Election Sign may be Placed by a Candidate or Registered Third Party on or in a vehicle while such vehicle is in use on any Street in the Municipality in accordance with all applicable laws and by-laws.
- 11.4 On Advance Voting Day and Voting Day, no Person shall Place or permit to be Placed a Vehicle Election Sign on a Voting Place or a place where the administration of Election processes are conducted or within 50.0 m (164.0 ft) of a Voting Place or a place where the administration of Election processes are conducted.

12. Special Provisions for Campaign Election Signs

- 12.1 Campaign Office Election Signs may be Placed once a Candidate has filed their nomination papers with the Village Clerk and paid the required filing fee or a Registered Third Party has registered with the Village Clerk.
- 12.2 Campaign Office Election Signs Placed pursuant to sub-clause 12.1 of this By-law shall only display:
- i. The name of a Candidate in a municipal Election or By-Election; or
 - ii. The name of a Candidate and the name and/or logo of a political party in a federal or provincial Election or By-Election; or
 - iii. The name of a Registered Third Party in a municipal Election or By-Election; and

iv. The location of a Candidate's or Registered Third Party's Campaign Office; and shall contain no other message.

12.3 A Candidate or Registered Third Party shall designate only one building or part thereof in the Municipality as the Campaign Office where the Election Signs are to be Placed and must advise the Village Clerk, in writing, of the address of the Campaign Office prior to Placing any Campaign Office Election Signs pursuant to sub-clause 12.1 of this By-law.

12.4 Other Election Signs may be Placed on the Campaign Office property in accordance with sub-clauses 9.1 and 9.2 and Clause 14 of this By-law and all other applicable regulations respecting Election Signs.

13. Special Provisions for Third Party Advertisements

13.1 A Third-Party Advertiser must be registered to the satisfaction of the Village Clerk prior to Placing any Election Signs.

13.2 Third Party Advertisements shall contain valid and up-to-date contact information, including the name of the Registered Third Party, the municipality where the Registered Third Party is registered, and a telephone number, mailing address or e-mail address at which the Registered Third Party may be contacted, in order to identify at least one individual responsible for the Placing of the Third Party Advertisements including any Election Sign(s).

14. Election Signs on Private Property

14.1 The Placement of Election Signs on Private Property shall be subject to Section 7 and Section 9 of this By-law.

14.2 No more than two (2) Election Signs per Candidate or Registered Third Party shall be Placed on each Street frontage of a residential property.

14.3 No more than two (2) Election Signs per Candidate or Registered Third Party shall be Placed on each Street frontage of a non-residential property.

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

14.5 Election Signs Placed on private property shall not interfere with the safe operation of motor vehicular traffic, cyclists and the safety of pedestrians, and shall not obstruct visibility or sightlines.

14.6 No Person shall Place or permit to be Placed an Election Sign on private property that overhangs a public Sidewalk or that is near a public Sidewalk in any manner that may interfere with or obstruct the normal flow of pedestrian traffic.

15. Removal of Unlawful Election Signs

15.1 Where an Election Sign has been Placed in contravention of any provision of this By-law, a Provincial Offences Officer, Municipal Law Enforcement Officer, or any other individual designated by the Village Clerk may cause the Election Sign to be removed immediately without notice or compensation and/or take any further action as provided within this By-law.

- 15.2 Election Signs that pose any risk to the health and safety of pedestrians, cyclists or motorists shall be removed without notice or compensation.
- 15.3 On Advance Voting Day and Voting Day, unlawful Election Signs may be removed without notice or compensation by a Municipal By-law Enforcement Officer or any other individual designated with the Village Clerk.
- 15.4 Any Election Sign that has been removed by the Municipality and stored for more than thirty (30) days may be destroyed or otherwise disposed of by the Municipality without notice and without compensation.
- 15.5 A Provincial Offences Officer, Municipal By-law Enforcement Officer and any other individual designated by the Village Clerk may remove and impound any vehicle that is parked or left contrary to Section 11.4 of this By-law. These actions shall be at the expense of the owner of the vehicle.

16. Offence and Penalty Provisions

- 16.1 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than Ten Thousand Dollars (\$10,000) for a first offence and not more than Twenty-Five Thousand Dollars (\$25,000) for any subsequent offence.
- 16.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 16.3 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with a Provincial Offences Officer, a Municipal By-law Enforcement Officer, or any other individual designated by the Village Clerk in the exercise of a power or the performance of a duty under this By-law.

17. Liability for Damages

- 17.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any Person Placing or owning 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 his or her agents or employees, in the construction, Placing, maintenance, repair or removal of such Election Sign.

18. Conflict

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

19. Severability Clause

- 19.1 If a Court of competent jurisdiction declares that any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law shall continue in full force and effect unless the court makes an order to the contrary.

20. Effective Date

20.1 This By-law shall come into force and take effect on the date of its passing.

Read a first and second time this XX day of April 2026.

Read a third and final time and passed this XX day of April 2026.

Michael Cameron, Mayor

Julia McCaugherty-Jansman, Clerk