

The Corporation of the Town of Tecumseh

By-Law Number 2026-019

A by-law of The Corporation of the Town of Tecumseh to regulate Election Signs.

Whereas Section 8 of the *Municipal Act*, 2001, S.O. 2001, c. 25, (the “**Act**”) provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to: (a) enable municipalities to govern their affairs as they consider appropriate; and (b) enhance their ability to respond to municipal issues;

And Whereas Section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

And Whereas Section 10 of the Act provides that a single tier municipality may pass by-laws within the spheres of jurisdiction set out therein, inter alia structures, including fences and signs;

And Whereas Subsection 11(3), paragraph 1, of the Act authorizes a municipality to pass by-laws respecting areas over which it has jurisdiction;

And Whereas Subsection 11(3), paragraph 7, of the Act authorizes a municipality to pass by-laws respecting signs;

And Whereas Section 63 of the 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 of any object Placed or standing on or near a highway;

And Whereas Section 99 of the Act provides the rules which apply to a by-law of a municipality respecting advertising devices, including signs;

And Whereas Section 425 of the Act establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

And Whereas Section 434.1 of the Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-law of the municipality passed under the Act;

And Whereas Section 391 of the Act authorizes a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

And Whereas Section 434.2 of the Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

And Whereas Section 445 of the Act 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 Section 446 of the Act provides that where a municipality has the authority 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 that the municipality may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same matter as property taxes;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

Section 1 - Definitions

- 1.1 **"Boulevard"** means the portion of every Highway between the roadway and the abutting property line.
- 1.2 **"Campaign Advertisement"** means an advertisement in any broadcast, print or electronic form, or other medium purchased by or under the direction of a Candidate or Third Party.
- 1.3 **"Campaign Office"** means a building or portion of a building which is used by the Candidate, or an agent of a Candidate, as part of an Election campaign, where a Candidate's campaign staff are normally present and the public may enter to obtain information about the Candidate.
- 1.4 **"Canada Elections Act"** means the *Canada Elections Act*, S.C. 2000, c.9, as amended, or any successor legislation.
- 1.5 **"Candidate"** means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*, and shall be deemed to include a person seeking to influence other persons to vote for or against any Candidate or any question or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.
- 1.6 **"Municipal Clerk" or "Clerk"** means the Clerk for The Corporation of the Town of Tecumseh.
- 1.7 **"Election"** means a formal and organized vote authorized under either the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*.
- 1.8 **"Election Act"** means the *Election Act*, R.S.O. 1990, c.E.6, as amended, or any successor legislation.

- 1.9 “**Election Sign**” means any sign advertising, promoting, supporting, opposing or taking a position with respect to any Candidate or political party, or any question, law, or by-law submitted to the electors in an Election.
- 1.10 “**Election Sign Permit**” means a permit issued pursuant to this By-Law in a form and manner prescribed by the Clerk.
- 1.11 “**Highway**” means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance.
- 1.12 “**Municipal Elections Act**” means the *Municipal Elections Act*, 1996, S.O. 1996, c.32, as amended, and any successor legislation.
- 1.13 “**Officer**” means the Town’s By-Law Enforcement Officer or other law enforcement officer as appointed by Town Council, or their designate, the Ontario Provincial Police, a Provincial Offences Officer, or other duly appointed individual.
- 1.14 “**Owner**” means the registered Candidate or the Third-Party Advertiser in respect of an Election Sign or the private property owner or occupant/tenant having care and control of the property in respect of an Election Sign.
- 1.15 “**Private Property**” means a parcel of real property under registered ownership and includes all buildings and structures thereon that are not a Public Property.
- 1.16 “**Public Property**” means real property owned or under the control of the Town, the provincial government, the federal government, or any of their respective agencies, boards or commissions, but, for the purposes of this By-Law, does not include a Highway or property where one or more persons reside.
- 1.17 “**Public Utility Facility**” means a pole, transformer box, service container, equipment or other such structure, owned or controlled by an entity which provides a municipal or public utility service.
- 1.18 “**Registered Third Party**” means any person or entity including, but not limited to, a corporation or trade union which is not a registered Candidate, political party or constituency association who incurs expenses with respect to:
- 1.18.1 a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;
- 1.18.2 an issue associated with an Election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*;

- 1.18.3 a Candidate or political party participating in an Election under the *Canada Elections Act*, the *Election Act* or the *Municipal Elections Act*.
- 1.19 **“Roadway”** means the travelled portion of a Highway.
- 1.20 **“Sidewalk”** or **“Trail”** mean any municipal walkway or that portion of a Highway between the roadway and the adjacent property line, primarily intended for the use of pedestrians.
- 1.21 **“Sign Height”** means the vertical distance measured from the highest point of the Election Sign to the grade and includes any support structure.
- 1.22 **“Sight Triangle”** means:
- 1.22.1 in the case of an intersection of two highways the triangular area formed by measuring from the actual or projected point of intersection of the property boundaries abutting the highway, a distance of 15m (50ft) along each such property boundary to two points, and joining those two points; or
- 1.22.2 in the case of an intersection of a driveway with a highway, the triangular area formed by measuring from the point of intersection of the property boundary abutting the highway and the edge of the driveway, a distance of 6 m (20ft) along the property boundary and the edge of the driveway to two points and joining these two points.
- 1.23 **“Town”** means the Corporation of the Town of Tecumseh.
- 1.24 **“Town Council”** means the elected members of Council for the Town of Tecumseh.
- 1.25 **“Town Facilities”** means any tangible property owned, operated, leased, or otherwise under the use and/or control of the Town, including Town buildings, infrastructure, parks, sidewalks, and shall be deemed for the purposes of this by-law to include the locations of any Town hosted or sponsored events regardless if such events are hosted by the Town or held on Town Property.
- 1.26 **“Town Official Sign”** means:
- 1.26.1 a sign placed by the Town to control and regulate the movement of vehicles and pedestrians;
- 1.26.2 signs posted by the Town under the provisions of the Town’s Sign By-Law;
- 1.26.3 a sign approved by the Ministry of Transportation Ontario;

- 1.26.4 signs described in the *Highway Traffic Act*, R.S.O. 1990, c. H8.
- 1.27 **“Town Property”** means any and all real property, goods and/or services owned, controlled, leased, acquired, or operated by the Town, or any of its agencies, boards or commissions, including but not limited to, Town facilities, parks, materials, equipment, monetary funds, technology, the Town’s information technology (IT) network and resources, databases, social media, intellectual property, supplies or any other asset, fund, or resource of any kind that belongs to, is used by, is leased or otherwise under the care and control of or is funded or otherwise associated with the Town.
- 1.28 **“Trailer”** means a vehicle or device that is intended to, at any time, be drawn, temporarily drawn, propelled or moved upon a Highway by a motor vehicle and, for the purposes of this By-Law shall include, but not be limited to, a wagon, implement of husbandry, trailer designed for recreational purposes or commercially registered vehicle or trailer.
- 1.29 **“Vehicle”** includes any means of transportation propelled or driven by any kind of power including muscular power.
- 1.30 **“Voting Place”** means a place where people cast their ballots in an Election and shall include the entire property and all the boundaries associated with it when such voting place is located within a public premises and shall mean all the common elements when the Voting Place is located on Private Property.

Section 2 - Administration and General Requirements

- 2.1 This By-Law shall be administered through the Legislative and Clerk Services Department and be enforced by the Town’s Officer or designates.
- 2.2 Prior to any Election Sign being erected within the Town, Candidates and Registered Third Party advertisers shall apply for an Election Sign Permit, with submission of all drawings and specifications of the proposed Election Sign(s), to the Municipal Clerk or designate for final approval. No Election Sign shall be affixed, displayed, or otherwise erected within the Town until approval to do so by way of an Election Sign Permit has been issued to the Candidate or Registered Third-Party advertiser from the Municipal Clerk and/or designate.
- 2.3 No person shall place, or permit to be placed, an Election Sign outdoors within the geographical limits of the Town except in accordance with this By-Law.
- 2.4 No person shall place, or permit to be placed, an Election Sign without an Election Sign Permit approved and issued in respect of such Election Sign.
- 2.5 Every Election Sign Owner shall ensure compliance with this By-Law.

- 2.6 If the Election Sign is in whole or in part such that its placement is subject to the additional approval of another agency or authority having jurisdiction, which is not the Town, prior written approval from that agency or authority is required and proof of which must be submitted to the Clerk before the issuance of an Election Sign Permit will be considered.
- 2.7 Upon a violation or failure to comply with this By-Law, the Clerk reserves the right to cancel an Election Sign Permit at the Clerks sole discretion.

Section 3 - Contents and Characteristics of Election Signs

- 3.1 Every Election Sign shall identify who is responsible for the messaging.
- 3.2 Each Election Sign erected by a Registered Third Party shall identify the name of the Registered Third Party, the municipality where the Third Party is registered, and the telephone number, mailing address or email address at which the Registered Third Party may be contacted.
- 3.3 Section 88.3(2) of the *Municipal Elections Act* (“MEA”) sets out that an Election Campaign advertisement purchased by or under the direction of a Candidate shall identify the Candidate. An Election Sign must state the name of the Candidate in combination, as appropriate, with the words “Elect (Candidate name)”, “Re-elect (Candidate name)”, “Vote (Candidate Name)” or “(Candidate Name) for the office of (Mayor, Deputy Mayor, Councillor)”, as applicable and shall be deemed to meet the requirements of the MEA but is subject to further approval by the Clerk upon issuance of the applicable Election Sign Permit.
- 3.4 The use of “re-elect” on an Election Sign shall only be permitted by a Candidate who is the sitting or immediate incumbent relating to the office of which the Candidate has been nominated.
- 3.5 No Election Sign or the contents thereof shall present information that is deemed by the Clerk to be misleading or likely to be misleading or otherwise confusing to the electorate.
- 3.6 No person shall display on any Election Sign, in whole or in part, a logo, brand, trademark, slogan or official mark of the Town, including the Town’s municipal election logo or any other name, image or likeness that is likely to lead to the inference that the Election Sign is related to or associated with the Town as determined by the Municipal Clerk.
- 3.7 No person shall place or permit to be placed an Election Sign that:
 - 3.7.1 is larger than 1.22 metres (4 feet) in height and 1.22 metres (4 feet) in width.
 - 3.7.2 is higher than 1.5 metres (5 feet) above the ground.
 - 3.7.3 is within 0.6 meters of a curb, shoulder, sidewalk or pavement edge.

- 3.7.4 interferes with or is likely to interfere with the safe operation of vehicular traffic or the safety of pedestrians.
 - 3.7.5 is illuminated, motorized, or inflatable, contains flashing lights or rotating parts, or simulates any traffic control device.
 - 3.7.6 obstructs or is likely to obstruct the visibility of intersections, private entrances, pedestrians, vehicles, traffic control devices, or regulatory signage.
 - 3.7.7 impedes or is likely to impede the necessary sightlines of motorists, municipal snowplow operations, or access to a private drive.
 - 3.7.8 is nailed or otherwise attached to or upon any utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box or mailbox.
 - 3.7.9 is affixed to a trailer, airplane, a boat, dock or buoyed in the water such as an amphibious water sign or inflatable sign.
 - 3.7.10 is in or on a vehicle that is parked or located on any municipal property if it is visible from the outside of the vehicle.
 - 3.7.11 is located on a Sidewalk or Trail.
 - 3.7.12 is affixed to a permanent or official Highway sign, signal, or support, guardrail or other Roadway structure.
 - 3.7.13 creates or is likely to create a safety hazard.
 - 3.7.14 does not comply with all applicable Town by-laws, federal or provincial statutes or regulations.
- 3.8 No person shall place or permit to be placed an Election Sign on any Town Property or Town facilities including, but not limited to:
- 3.8.1 Municipal Offices.
 - 3.8.2 Fire Halls.
 - 3.8.3 Public Works Yards.
 - 3.8.4 Community Centres.
 - 3.8.5 Public Libraries.
 - 3.8.6 Municipal Parks or Trails.
 - 3.8.7 Vacant parcels/lots of land owned by the Town.

Section 4 - General Provisions

- 4.1 No Candidate, their agent, Registered Third Party, or any other person shall affix, erect or otherwise display an Election Sign except as permitted by this By-Law.
- 4.2 No Candidate, their agent, Registered Third Party or any other person shall affix, erect or otherwise display an Election Sign or permit an Election Sign to be affixed, erected or otherwise displayed:
- 4.2.1 on or overhanging a Town Property or Town facilities including, but not limited to, a Park or a facility that is owned or operated by the Town, a Highway, roadway, boulevard and Sidewalk or Trail.
 - 4.2.2 on a Public Utility Facility.
 - 4.2.3 which contains an electronic display that incorporates in any manner any flashing, moving illumination or animation which varies in intensity, or which varies in colour and Election Signs which have any visible moving parts or visible mechanical movement of any description.
 - 4.2.4 in a location that would, by reason of size, location, or illumination, obstruct the vision and/or passage of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which are located in a Sight Triangle.
 - 4.2.5 which makes use of words such as “Stop”, “Look”, “One Way”, “Danger”, “Yield”, or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic.
 - 4.2.6 on a tree, stone or other natural object or on a boundary fence or safety rail.
 - 4.2.7 at a Voting Place.
 - 4.2.8 on or within a vehicle or trailer parked within 50 metres of a Voting Place.
 - 4.2.9 in a location where the Election Sign:
 - (a) obstructs or impedes any required fire escape, fire exit, fire route, door, window etc., or to prevent or impede access of firefighters to any part of a building.
 - (b) constitutes a danger or hazard to the public.
- 4.3 The Owner to whom the Election Sign relates shall be responsible for the erection, maintenance or display and removal of the Election Sign and shall ensure that all the requirements of this By-Law have been met.

- 4.4 No person shall unlawfully pull down or remove a lawfully erected Election Sign on Private Property without the consent of the Owner to whom the Election Sign relates or the Owner of the property on which the Election Sign is erected.
- 4.5 No person shall deface or willfully cause damage to a lawfully erected Election Sign.
- 4.6 No person shall place an Election Sign in such a position that such Election Sign would contravene any other applicable legislation.

Section 5 - Election Signs on Private Property

- 5.1 Election Signs may be erected or displayed on Private Property if:
 - 5.1.1 the Election Sign is no larger than 1.22 metres (4 feet) by 1.22 metres (4 feet) and the Election Sign height is no higher than two metres (5 feet) above ground level, save and except an Election Sign on Campaign Offices and Election Signs displayed indoors;
 - 5.1.2 the Election Sign does not interfere with the safe operation of vehicular traffic or with the safety of pedestrians;
 - 5.1.3 the Election Sign are erected with the consent of the Owner or the occupant/tenant having care and control of the property; and
 - 5.1.4 the Election Sign is not illuminated, motorized or inflatable, and does not contain flashing lights, rotating parts, or simulate any traffic control device.
- 5.2 No more than four (4) Election Signs are permitted on any one piece of land zoned residential. If the residential Private Property consists of multiple registered residential units, then one Election Sign for each residential unit may be permitted provided the Election Signs are placed a minimum of 1 metre (3.2 feet) apart and as applicable, subject to the provisions of Sections 88.2 of the Municipal Elections Act .
- 5.3 No more than four (4) Election Signs are permitted on any one piece of land zoned other than residential. Each Candidate will only be permitted one Election Sign for each 500 metres (1,640 feet) of frontage of land zoned other than residential.
- 5.4 The use of or erection of Election Signs for other than the purposes provided for in this By-Law shall be prohibited.

Section 6 - Timing

- 6.1 No Candidate, their agent, Registered Third Party or any other person shall affix, erect or otherwise display an Election Sign or permit or cause an Election Sign to be erected, affixed, or otherwise displayed prior to the date of the issuance of the

Writs of Election or By-Election in accordance with the *Canada Elections Act* or the *Election Act* or prior to the first day after Nomination Day for an Election or By-Election under the *Municipal Election Act*.

- 6.2 An Election Sign shall be removed within ninety-six (96) hours (4 days) immediately following 11:59PM of the day of the Election.

Section 7 - Removal of Unlawful Election Signs

- 7.1 An Officer may at any reasonable time enter upon land near a Highway and/or may enter upon Private Property for the purpose of carrying out an inspection to determine compliance with this By-Law, a direction or order of the Town or an order made under section 431 of the *Municipal Act*.
- 7.2 Where an Election Sign has been affixed, erected or otherwise displayed in contravention of any provision of this By-Law, the Officer may cause the Election Sign to be removed immediately without notice to the Owner or apparent Owner and/or take any further action as provided within this By-Law.
- 7.3 The Officer may remove or cause to be removed immediately, without notice, any Election Sign that does not comply with this By-Law.

Section 8 - Notice of Removal, Storage and Disposal

- 8.1 Where the Town removes an Election Sign, a notice in writing shall be forwarded to the Owner by personal service or regular post, in which case the notice shall be deemed to have been received on the seventh (7th) day following the date the notice was mailed. Such notice to the Owner will indicate that the illegal Election Sign has been removed by the Town and that said Election Sign will be stored and disposed of by the Town in accordance with the provisions of this By-Law. The notice shall further indicate that the Election Sign may be reclaimed by the Owner within the time period prescribed in the notice and if applicable upon payment to the Town of the costs of pulling down, removal and storage of the Election Sign, which costs if applicable shall be prescribed in the Town's Administrative Fees and Charges By-Law and shall form part of the notice provided.
- 8.2 Where the Town removes an Election Sign and notice has been provided as set out in Section 8.1, the Owner shall submit payment for the costs associated with the removal, storage and disposal of each Election Sign within thirty (30) days of receipt of the notice. All costs and charges incurred by the Town for the removal, care and storage of an Election Sign that is erected or displayed in contravention of this By-Law shall be considered a lien on the subject property and be collected in the same manner as taxes.

- 8.3 Where an Election Sign has been removed by the Town and stored for a period of thirty (30) days or more and the Election Sign has not been reclaimed, the Election Sign may be forthwith destroyed or otherwise disposed of by the Town with no further notification to the Owner of such disposal.

Section 9 - Enforcement

- 9.1 An Officer shall enforce the provisions of this By-Law.
- 9.2 No person shall obstruct, hinder, or otherwise interfere with an Officer, in the lawful carrying out of their duties and responsibilities under the provisions of this By-Law.

Section 10 - Offence

Every person who contravenes any provision of this By-Law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable to a fine not to exceed Five Thousand dollars (\$5,000.00).

Section 11 - Administrative Penalties

- 11.1 Instead of laying a charge under the *Provincial Offences Act* for any breach of any provision of this By-Law, an Officer may alternatively issue an Administrative Penalty to the Person who has contravened this By-Law provided the authority for the Town to issue Administrative Penalties in respect of this By-Law has been granted by the Town's Administrative Monetary Penalties By-Law 2024-048 as amended.
- 11.2 An Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the *Provincial Offences Act*. If an Administrative Penalty is issued to a Person for a contravention of this By-Law, no charge shall be laid against that same Person for the same contravention.
- 11.3 The amount of the Administrative Penalty for a contravention of a provision of this By-Law is fixed as set out in the Town's Administrative Monetary Penalties By-Law 2024-048 as amended from time to time, or any successor by-law.
- 11.4 If an Officer issues a penalty notice, the Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.
- 11.5 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the Administrative Monetary Penalties By-Law 2024-048 as amended from time to time, or any successor by-law.

- 11.6 An Administrative Penalty imposed on a Person pursuant to this By-Law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

Section 12 - Liability

The provisions of this By-Law shall not be construed as relieving or limiting the responsibility or liability of any person erecting or owning any Election Sign for personal injury or property damage resulting from the placing of such Election Signs or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the construction, erection, maintenance, repair or removal of any such Election Signs. The provisions of this section shall not be construed as imposing on the Corporation of the Town of Tecumseh, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any Election Sign.

Section 13 - Conflicts

In the event of a conflict between the provisions of this By-Law and the provisions of another by-law of the Corporation of the Town of Tecumseh regulating signage, the provisions of the more restrictive enactment shall prevail.

Section 14 - Other Laws

Nothing in this By-Law relieves any person of the responsibility for adhering to other applicable laws which regulate signs or for obtaining the approval of the Federal and Provincial governments or agencies thereof as required, or for obtaining the approval of the property owner.

Section 15 - Validity

In the event any provision, or part thereof, of this By-Law is found by a court of competent jurisdiction, to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.

Section 16 - Repeal

By-Law 2018-32 as amended or updated, is hereby repealed upon the coming into force of this By-Law.

Section 17 - Title

This By-Law may be cited as the "Election Sign By-Law".

Section 18 - Force and Effect

That this By-Law shall come into force and effect immediately upon final passing.

Read a first, second, third time and finally passed this 24th day of March, 2026.



2026-03-27

Gary McNamara, Mayor



2026-03-31

Robert Auger, Clerk