

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2026-12

A By-law to regulate the placement and use of Election Signs and to repeal By-law 2011-80

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 99, provides that a municipality may pass a By-law to prohibit and regulate the erection of signs and other advertising devices; and

WHEREAS Section 11(3) paragraph 7 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting structures, including fences and signs;

AND WHEREAS Section 63(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, 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*, S.O. 2001, c.25, as amended, provides that a person who contravenes a By-law of the municipality passed under the *Act*, is guilty of an offence; and

AND WHEREAS Council deems it appropriate to regulate the placement of Election Signs within the municipality to facilitate equal opportunity for all Candidates, and to ensure the safety of individuals by the safe placement of Election signs.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. **Definitions**

For the purpose of this By-law:

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

Candidate means a person officially nominated as a Candidate for a Municipal Election.

Clerk means the Town Clerk or their designate as appointed by the Council of the Corporation of the Town of Midland.

Council means the Council of The Corporation of the Town of Midland.

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

Election Sign means any sign advertising, promoting or opposing the Election of a Candidate or political party for public office in a Federal, Provincial, School Board or Municipal Election, or a question, law or by-law submitted to the electors under the *Canada Elections Act*, the *Elections Act* (Ontario), or the *Municipal Elections Act, 1996*, and includes sign advertising of Registered Third Party Advertisers.

Erect means to build, construct, reconstruct, locate, or relocate a sign, advertising device or support member thereof.

Highway means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Jurisdiction means within the Town of Midland boundaries.

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

Municipal Law Enforcement Officer means any person appointed by the Council of the Corporation of the Town of Midland to enforce the provisions of By-laws.

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

Park means land and land covered by water and all portions thereof under the control or management or joint management of the Town, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a public trail, natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land.

Private Property means lands which are not defined as Public Property or a Public Utility Facility.

Public Property means property, land, including road allowances, sidewalks, or a building owned by the Town, or a local Board as defined by the *Municipal Act*, S.O., 2001, as amended, or owned by Federal, Provincial or County governments.

Registered Third Party Advertiser means an individual, corporation or trade union that is registered in accordance with the *Municipal Elections Act, 1996*, as amended. This includes those who incur expenses with respect to:

- a) A question, law or By-law submitted to the electors;
- b) An issue associated with a person or political party participating in an Election; or
- c) A Candidate or political party participating in an Election under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.

Restricted Period means the period during which an Election Sign used as a Third Party Advertisement is permitted as outlined under Prescribed Legislation.

Road Allowance means that portion of land allowed for a road or highway established by any statute, act, by-law or plan.

Roadway means the part of a Street that is improved, designed or ordinarily used for vehicular traffic and includes a shoulder.

School Board means the English Public, French Public, English Catholic and French Catholic School Boards having authority within the County of Simcoe.

Sidewalk means any municipal walkway, or that portion of a Street between the Roadway and the adjacent property line, primarily intended for the use of pedestrians.

Sight Triangle means, in the case of an intersection of two public streets, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property lines abutting a corner lot and a third line joining points of the property lines, a distance of 6.0 m from their point of intersection; or in the case of a private driveway intersecting with a public street, a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this by-law, formed by the property line and the curb line of the private driveway abutting the corner and a third line joining points of the property line and the curb line, a distance of 9.0 m from their point of intersection.

Street means a street as defined under the *Highway Traffic Act*, R.S. O., 1990, or as amended from time to time and which has been assumed for a public use.

Town means the Corporation of the Town of Midland.

Voting Place shall mean a place where electors cast their ballots and:

- a) When a Voting Place is located on Public Property, includes any Street

abutting; or

b) When a Voting Place is located on private property, includes any Street abutting.

2. **General Provisions**

Federal, Provincial, Municipal or School Board Election Signs do not require a building permit and shall be subject to the following provisions:

2.1 **Road Allowance**

- a) No person shall erect, cause or permit to be erected an Election Sign on a road allowance if the sign or any portion thereof is:
- On or over the street or a sidewalk.
 - Closer than 1.0 m to the edge of the street.
 - Within a sight triangle at the intersection of two streets.
 - Where a road allowance includes a sidewalk adjacent to a street, on the portion of the road allowance between the sidewalk and the street.
 - Where a road allowance includes two or more separate streets, on the portion of the road allowance between each streets.
- b) No person shall at any time nail or otherwise attach an Election Sign or cause an Election Sign to be nailed or otherwise attached to or upon anything located on a road allowance and this shall include utility pole, light pole, utility box, tree, planter, bench, waste receptacle, newspaper box, or mailbox. For more information, refer to Section 2.2 e).

2.2 **Election Sign Placement & Location – Public Property and Voting Places**

- a) No person shall erect, cause or permit an Election Sign to be erected, in any public park or on any public property occupied by the Town or any local board.
- b) No person shall at any time on any Election Voting Day, including those days when advance Election voting is held, erect, cause or permit to be erected an Election Sign on any property associated with any place being used as a Voting Place.
- c) No person shall at any time, or on any Election Voting Day, including those days when advance Election voting is held, erect, cause or permit to be erected an Election Sign within 150.0 m of a Voting Place with the exception being a sign that is located on private property.

- d) No person shall place or allow to be placed any Election sign, poster or placard in or on a vehicle, trailer or mobile device that is located within 300.0 m of any property designated as a Voting Place for the Municipal Election.
- e) No person shall place or permit to be placed an Election Sign:
 - On a tree, fence or gate located on Public Property or a Street;
 - On a utility pole or light standard;
 - Obstruct the visibility of any pedestrian or driver;
 - Obstruct the visibility of any traffic sign or device;
 - Interfere with vehicular traffic in any manner;
 - Obstruct openings required for light, ventilation, ingress, egress, or fire or medical emergencies; or
 - Constitute a danger or hazard to the general public.

2.3 Erection and Removal of Election Signs

- a) No person shall erect, cause or permit to be erected an Election Sign prior to Nomination Day in a Municipal Election year.
- b) No Election sign may be erected or displayed until the Candidate has filed nomination papers with the Clerk or until the Third Party Advertiser has registered with the Clerk in accordance with the *Municipal Elections Act, 1996*.
- c) Every Candidate shall ensure that Election signs associated with a Federal or Provincial Election are erected or installed in accordance with related Federal or Provincial laws.
- d) All Election signs must be removed by the Candidate, Registered Third Party, or their agents no later than one week following Voting Day.
- e) Only Candidates, Registered Third Party Advertisers or their agents are permitted to erect Election signs.
- f) No Election sign shall be placed in the Town of Midland for a Candidate in another jurisdiction.
- g) No Election sign shall be placed on private property without the express consent of the property owner or occupant. The Candidate, Registered Third Party or their agents are responsible for ensuring permission is obtained prior to sign placement.
- h) Regardless of consent having been received by a property owner for the

sign location, sight lines shall always be maintained at intersections for all traffic movement directions.

3 **Enforcement**

- 3.1 When the Municipal Law Enforcement Officer has reasonable and probable grounds to believe that an Election sign is:
- On a road allowance or in any public park; or
 - On any public property owned or occupied by the Town; or
 - Is erected, nailed or otherwise attached contrary to any provision of this By-law; or
 - Creates a hazard to vehicular traffic or pedestrians; or
 - Is erected prior to the specified date; or
 - Is not removed by the deadline date; or
 - Or otherwise in contravention of other provisions of this By-law, the Municipal Law Enforcement Officer may cause the Election Sign to be removed.
- 3.2 Signs that are removed shall be stored by the Town for a period of time of not more than ten (10) days, during which time the owner or their agent may be entitled to redeem said sign.
- 3.3 Where a sign has been removed by the Town and stored for a period of ten (10) days and has not been redeemed, such sign may be forthwith destroyed or otherwise disposed of by the Town on authority and direction from the Municipal Law Enforcement Officer.
- 3.4 Fines shall be issued on a per sign basis and each sign erected in contravention of any section of this By-law shall be fined as an individual and separate offence.
- 3.5 It is the responsibility of Candidates and Registered Third Party Advertisers to ensure compliance with this By-law and all other applicable legislation.

4. **Mandatory Information on Election Signs and Advertisements (Municipal and School Board Elections only)**

- 4.1 All parties, including Candidates, shall comply with the sign and advertisement requirements as set out in the *Municipal Elections Act*, as amended.
- 4.2 All Election signs and advertisements purchased by or under the direction of a Candidate shall identify the Candidate.

4.3 No person shall display on any Election sign a logo, trademark or official mark, in whole or in part, owned or licensed by the Town.

4.4 **Mandatory Information – Registered Third Party Advertisers**

All Registered Third Party Election signs and advertisements shall contain the following information:

- a) The name of the Registered Third Party;
- b) The Municipality where the Registered Third Party is registered; and
- c) A telephone number, mailing address or e-mail address at which the Registered Third Party may be contacted regarding the advertisement.

4.5 **Mandatory Information – Candidates**

All Election Signs and Advertisements purchased by or under the direction of a Candidate shall identify the Candidate.

5. **Unlawful Removal**

5.1 No person shall remove, deface or cause damage to any Election sign lawfully erected in accordance with this By-law without the Candidate's, Registered Third Party's or property owner's consent.

6. **Federal, Provincial, County or Agency Interests**

6.1 Where the erection or display of any Election Sign requires proper authorization from one or more Federal, Provincial, County agency, the onus of responsibility shall remain entirely upon the owner of the sign to ensure compliance with all such regulations.

6.2 Notwithstanding any other section of this By-law, in all cases where Election Signs are to be erected on land or buildings abutting a Ministry of Transportation or County of Simcoe controlled road, then the requirements of the said Ministry or the County shall prevail with respect to the requirements of Election Signs.

6.3 Every Candidate shall ensure that Election Signs associated with a Federal or Provincial Election are erected or installed in accordance with the *Canada Elections Act* (Federal) or *Election Act* (Provincial).

7. **Penalty for Non-Compliance**

- 7.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and may be punishable as such thereunder.
- 7.2 Neither the granting of a permit nor the approval of the drawings and specifications, nor inspection made by the authority having jurisdiction during the erection of a sign shall, in any way, relieve the owner of such sign, tenant or the owner of property on which the sign is located, from full responsibility for carrying out the work in accordance with the provisions of this By-law.

8. **Conflict**

- 8.1 If any portion of this By-law is found to be in conflict with any other provision of any zoning, building, fire, safety, or other By-law of the Town, the provision which establishes the higher standard shall prevail.

9. **Damage**

- 9.1 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 sign or display from personal injury or property damage resulting from the placing of such sign or resulting from the negligence or willful acts of such person, his agents or employees, in the construction, erection, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Further, the provisions of this By-law cannot be construed as imposing upon the Town or its Officers or Employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this By-law.
- 9.2 The Town of Midland shall not be liable for any damage or loss to an Election campaign sign that was displayed in accordance with this By-law, or in contravention of this By-law, or that was removed by an officer of the Town of Midland.

10. **Severability**

- 10.1 Should any section, clause 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 the By-law as a whole or in part thereof, other than the

part which was declared to be invalid.

11. That By-law 2011-80 is hereby repealed.
12. That this By-law shall come into force and effect on the final passage thereof.

BY-LAW PASSED AND ENACTED THIS 18TH DAY OF MARCH 2026.

THE CORPORATION OF THE TOWN OF MIDLAND

BILL GORDON – MAYOR

SHERRI EDGAR – CLERK

Written approval of this By-law was given by Mayoral Decision MDE-2026-4 dated March 18, 2026.

THE CORPORATION OF THE TOWN OF MIDLAND
PART I Provincial Offences Act
By-law 2026-12: Election Sign By-law
Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Erect, cause or permit to be erected an election sign on or over street or sidewalk	2.1 a)	\$150.00
2	Erect, cause or permit to be erected an election sign closer than 1.0 m to edge of street	2.1 a)	\$150.00
3	Erect, cause or permit to be erected an election sign within sight triangle	2.1 a)	\$150.00
4	Erect, cause or permit to be erected an election sign on road allowance between sidewalk and street	2.1 a)	\$150.00
5	Erect, cause or permit to be erected an election sign on road allowance between two streets	2.1 a)	\$150.00
6	Nail or attach election sign upon anything within road allowance	2.1 b)	\$150.00
7	Erect, cause or permit an election sign in public park or public property	2.2 a)	\$150.00
8	Erect, cause or permit an election sign on property being used as a voting place during election voting day	2.2 b)	\$150.00
9	Erect, cause or permit an election sign within 150 m of a voting place	2.2 c)	\$150.00
10	Erect, cause or permit an election sign, poster or placard in or on a vehicle, trailer or mobile device within 300 m of a voting place	2.2 d)	\$150.00
11	Place or permit an election sign to be placed on tree, fence or gate on public property	2.2 e)	\$150.00

12	Place or permit an election sign to be placed on a utility pole or light standard	2.2 e)	\$150.00
13	Place or permit an election sign to be placed that obstructs visibility of pedestrian or driver	2.2 e)	\$150.00
14	Place or permit an election sign to be placed that obstructs the visibility of a traffic sign or device	2.2 e)	\$150.00
15	Place or permit an election sign to be placed that interferes with vehicular traffic	2.2 e)	\$300.00
16	Place or permit an election sign to be placed that obstructs openings required for light, ventilation, ingress, egress, fire emergencies or medical emergencies	2.2 e)	\$300.00
17	Place or permit an election sign to be placed that constitutes a danger or hazard to general public	2.2 e)	\$300.00
18	Erect, cause or permit an election sign to be placed prior to nomination day	2.3 a)	\$150.00
19	Erect or display election sign prior to nomination papers being filed	2.3 b)	\$150.00
20	Fail to remove election sign	2.3 d)	\$150.00
21	Place election sign in Town of Midland from another jurisdiction	2.3 f)	\$150.00
22	Place election sign on private property without consent	2.3 g)	\$150.00
23	Display logo, trademark or official mark of the Town on election sign	4.3	\$150.00
24	Remove, deface or cause damage to election sign	5.1	\$150.00

NOTE: The penalty provision for the offences indicated above is section 7.1 of By-law 2026-12, a certified copy of which has been filed.