

CITY OF ST. CATHARINES

BY-LAW NO. 2025-082

A By-law to regulate the placement of Election Signs in the City of St. Catharines.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS *Municipal Act, 2001*, S.O. 2001, c. 25, Section 11(3) provides for the specific spheres of jurisdiction under which the lower and upper tier municipalities may pass by-laws respecting specific matters including matters with respect to signs;

AND WHEREAS the powers conferred under the *Municipal Act*, S.O. 2001, c. 25, Section 11 shall be exercised by by-law;

AND WHEREAS *Municipal Act*, S.O. 2001, c. 25, Section 63 provides that a by-law may prohibit or regulate 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 *Municipal Act*, S.O. 2001, c. 25, Section 99 provides rules which apply to a by-law of a municipality respecting advertising devices, including signs;

AND WHEREAS *Municipal Act*, S.O. 2001, c. 25, Section 425 authorizes the City to pass by-laws providing that any person who contravenes a by-law of the City is guilty of an offence;

AND WHEREAS *Municipal Act*, S.O. 2001, c. 25, Section 436 authorizes a municipality to pass a by-law providing that the municipality may enter onto land at any reasonable time

for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order of licence;

AND WHEREAS the Corporation of the City of St. Catharines deems it expedient to pass a by-law to regulate the erection of signs for federal, provincial and municipal elections;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

## **1. TITLE**

1.1 Short Title. This By-law may be cited as the “Election Sign By-law.”

## **2. DEFINITIONS**

In this by-law:

- a) “**Act**” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;
- b) “**Advance Voting Day**” means one (1) or more days that are designed for electors to cast ballots prior to Voting Day.
- c) “**Agriculture**” means any property in the City of St. Catharines that is zoned agriculture as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- d) “**Billboard**” means an outdoor Sign erected and maintained by a person, company, or business engaged in the sale or rental of the space on the Sign to a clientele. The space on the Sign advertises goods, products, services or facilities not available on the property where the Sign is located;
- e) “**Boulevard**” means that part of a highway from the edge of the roadway to the sidewalk, or if no sidewalk is present, that part of the highway from the edge of the roadway to the nearest lateral property line of the highway;
- f) “**By-Election**” means an election other than a regular Election;
- g) “**Campaign Office**” means a building or structure, or part of a building or structure, used by a Candidate, an agent of a Candidate, a Registered Third Party Advertiser to conduct an election campaign;

- h) **“Campaign Office Election Sign”** means an election sign displayed at a Campaign Office which displays the name of a Candidate in a municipal or school board Election, or with the name of a Candidate and/or the name and/or logo of a political party in a federal or provincial Election, or the name of a Registered Third Party Advertiser and the location of the Candidate’s or Registered Third Party Advertiser’s Campaign Office in any Election.
- i) **“Candidate”** means a person who has been nominated or registered under the Canada Elections Act, the Election Act (Ontario) or the Municipal Elections Act, 1996, as amended; or shall be deemed to include a person seeking to influence other persons to vote for or against any question or by-law to the electors under Section 8 of the Municipal Elections Act, 1996 as amended.
- j) **“City”** means The Corporation of the City of St. Catharines;
- k) **“Clerk”** means the City Clerk of The Corporation of the City of St. Catharines or his or her designate;
- l) **“Commercial”** means any property in the City of St. Catharines that is zoned commercial as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- m) **“Corner Lot”** means a Lot situated at the intersection of two (2) or more Roads or at the intersection of two (2) parts of the same Road meeting at an angle of not more than 135 degrees.
- n) **“Election”** means any federal, provincial or municipal election, by-election and any question or by-law submitted to the electors and includes an election to a local board or commission.
- o) **“Election Sign”** means a Sign advertising, promoting or opposing the election of a political party or candidate for public office in a federal, provincial or municipal election and includes promoting the position of a person registered to campaign with respect to a question on the ballot and third-party advertisers. Election Signs include but are not limited to, posters, placards, bulletins, banners, notices and / or signs not permanently affixed to the ground and specifically designed and intended to be readily moved from place to place, which by the use of words, pictures or graphics or any combination thereof is intended to influence, promote, oppose or take a position.

- o) “**Employment**” means any property in the City of St. Catharines that is zoned general employment as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- p) “**Industrial**” means any property in the City of St. Catharines that is zoned industrial as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- q) “**Institutional**” means any property in the City of St. Catharines that is zoned institutional as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- r) “**Lot**” means a contiguous parcel of land under one ownership.
- r) “**Median Strip**” means the portion of a street so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised, or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement and includes a central island roundabout;
- s) “**Mixed Use**” means any property in the City of St. Catharines that is zoned mixed use as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- t) “**Municipal Law Enforcement Officer**” means a Municipal Law Enforcement Officer appointed by the Municipal Council of The Corporation of the City of St. Catharines;
- u) “**Owner**” means the registered owner of the property on which an Election Sign is placed; any person described on or whose name, image, address or telephone numbers appears on the Election Sign; any person who is in control of the Election Sign; any person who benefits from the message on the Election Sign; or any person who has placed or permitted to be placed an Election Sign; and shall be deemed to include Candidates and Registered Third Parties; and for the purposes of this by-law there may be more than one Owner of an Election Sign;
- v) “**Park**” means any land or premises under the control and/or ownership of the City for park and recreational purpose and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities and improvements located in or on such land;

- w) **“Person”** means an individual, firm, partnership, corporation, an association, organization or any other entity;
- x) **“Place”** means attach, install, erect, build, construct, reconstruct, move, display or affix;
- y) **“Private Property”** means real property that is not a Boulevard, Highway or Public Property;
- z) **“Public Property”** means real property owned or under the control of the City, The Regional Municipality of Niagara, Provincial Government, Federal Government or any of their respective agencies, boards or commissions, and includes any Boulevard or road allowances;
- aa) **“Region”** means The Regional Municipality of Niagara;
- bb) **“Registered Third Party”** means an individual, corporation or trade union that is registered under Section 88.6 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched., as amended;
- cc) **“Residential”** means any property in the City of St. Catharines that is zoned residential as implemented through the City of St. Catharines Comprehensive Zoning By-law;
- dd) **“Road”** means a common and public highway designed and intended for use by the general public for the passage of vehicles and includes all lands within the limits of the road allowance or right-of-way all of which are owned or within the jurisdiction of the City;
- ee) **“Sidewalk”** means any municipality walkway, or that portion of the street between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians;
- ff) **“Sight Triangle”** means a triangular space that is formed by the intersection of the boundaries of two (2) roads of a corner lot, and a line joining two (2) points that are six (6) metres back from the intersection. Where the two (2) roads do not intersect at a point, the point of intersection of the roads shall be determined to be the intersection of the projection of the road lines or the intersection of the angles to the road lines.
- gg) **“Sign”** means any device displaying any letter, figure, character, mark, point, plane, design, poster, pictorial, stroke, stripe, line, trademark, reading matter, or

illuminating device, constructed, attached, erected, fastened or manufactured in any manner whatsoever, so that the same is used or is intended to be used for the attraction of the public in any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.

hh) **“Sign Height”** shall mean the vertical heights of a Sign from the lowest point of finished grade to the highest part of the Sign;

ii) **“Street” or “Highway”** means a common and public highway, street, avenue, parkway, driveway access, square, place, bridge, viaduct or trestle designed and intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof ;

jj) **“Third Party Advertisement”** means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing,

a. a Candidate; or

b. a “yes” or “no” answer to a question referred to in subsection 8(1), (2) or (3) of the Municipal Elections Act, 1996, S.O. C. 32, Sched., as amended;

that has been erected or displayed without the authorization, direction or involvement of a candidate;

kk) **“Voting Day”** means Voting Day as defined by legislation.

ll) **“Voting Place”** means a place where electors cast their ballots as approved by the Federal, Provincial or Municipal Election Official(s) and shall include the real property on which the voting place is located and adjacent road allowances;

### **3. GENERAL**

3.1 No Person shall place or permit to be placed an Election Sign except in accordance with this by-law.

3.2 Notwithstanding the requirements of any other by-law, no sign permit is required for an Election Sign.

3.3 No Person shall place or permit to be placed an Election Sign that:

a) is illuminated;

b) has flashing lights or rotating parts;

- c) obstructs or interferes with the safe operation of vehicular traffic or the safety of pedestrians;
- d) obstructs or interferes with the visibility of any traffic sign or device;
- e) obstructs or impedes the City's maintenance operations; or
- f) constitutes a danger or hazard to the general public.

3.4 Election Signs shall include:

Where the Owner is a Candidate:

- a) Name of Candidate

Where the Owner is a Registered Third Party:

- a) Name of the Registered Third Party;
- b) The municipality where the Registered Third Party is registered;
- c) Telephone number, mailing address or email address at which the Registered Third Party may be contacted regarding the Third Party Advertisement.

3.5 A Registered Third Party Advertiser that does not register in accordance with the Act, Election Act, R.S.O. 1990, c. E.6 or Canada Elections Act, SC 2000, c. 9, as the case may be, is not permitted to place election signs.

3.6 Election Signs erected or placed in contravention of this by-law may be removed and disposed of without notice by any Municipal Law Enforcement Officer or municipal staff person of the City or designate as appointed from time to time by the City Clerk.

3.7 Subject to compliance with this by-law, a leasee or tenant of property may display an Election Sign on such conditions to reasonable size or type a landlord, building manager or Condominium Corporation deems appropriate.

3.8 No Owner shall place or permit to be placed an Election Sign for a municipal Election for a Candidate in any ward that they are not officially nominated or registered in.

3.9 No Person shall deface or wilfully cause damage to a lawfully erected Election Sign. The City or any of its municipal employees, agents or contractors will not be responsible for investigating or prosecuting for any acts of vandalism-to or theft-of Election Signs.

- 3.10 No Person shall display on any Election Sign, a logo, trademark, official mark or crest, in whole or in part, owned by the City.
- 3.11 No Person shall permit to be placed an Election Sign on or in a motor vehicle that is parked on any premises used as a voting location on Voting Day. The Election Sign may be displayed on or in a motor vehicle provided:
- a) the display of such Election Sign is not contrary to the provisions of this by-law;
  - b) such Election Sign, if on the exterior of the motor vehicle, is mounted flush on the motor vehicle body;
  - c) such Election Sign is not displayed so as to contravene the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

#### **4. TIME RESTRICTIONS**

- 4.1 No Person shall place or permit an Election Sign to be placed:
- a) more than thirty (30) days before Voting Day; or
  - b) in the case of a federal or provincial Election or By-Election, prior to the day the Writ of the Election or By-Election issued.
- 4.2 No Owner shall place or permit to be placed an Election Sign for a municipal Election or By-Election earlier than the day that the Candidate has been nominated or registered.
- 4.3 Notwithstanding section 4.1 of this by-law, Election Signs may be erected at a Campaign Office once the Candidate has filed his or her nomination papers and paid the required filing fee. For the purpose of this section, a Candidate may designate only one building or part thereof in the City of St. Catharines as their Campaign Office at any one time.
- 4.4 Election Signs shall be removed by the Owner thereof within seven (7) days immediately following 11:59 p.m. on the day of the election.

#### **5. ELECTION SIGNS ON PUBLIC PROPERTY**

- 5.1 No Person shall place or permit to be placed an Election Sign on Public Property.
- 5.2 No Person shall place or permit to be placed an Election Sign that:



- a) is on a Road;
- b) interferes with the safe operation of vehicular traffic or the safety of pedestrians, including the visibility of warning devices and traffic signals;
- c) is placed so as to impede, hinder or prevent parking by vehicles on private or public lands, or on a road;
- d) is on a Boulevard;
- e) is on a Median Strip;
- f) is in a Sight Triangle;
- g) is on a tree, post, pole, gate or fence located on Public Property owned and/or under the jurisdiction of the City;
- h) is on or overhanging any property owned and/or under the jurisdiction of the City;
- i) is on or within a vehicle parked within 50 metres (164 feet) of a Voting Place;
- j) is on a utility pole or light standard;
- k) is in a Park; or
- l) is in a municipal parking lot.

5.3 No Person shall dig, drill or drive into asphalt, concrete, brick or any other hard improved surface on a Road when placing an Election Sign.

5.4 Election Candidates and/or Registered Third Parties shall be responsible for compliance with the City's Sign By-law 2012-154, as amended, and regulations of The Regional Municipality of Niagara and Province of Ontario as the case may be.

## **6. ELECTION SIGNS ON PRIVATE PROPERTY**

6.1 No Person shall place or permit to be placed an Election Sign on Private Property, except if:

- a) the Sign is no larger than 1.22 metres by 1.22 metres (4 feet by 4 feet) and the Sign Height is no higher than 2 metres (6.6 feet) above ground level, save and except Signs on Campaign Offices, Billboards and Signs displayed indoors;
- b) the Sign is erected with the consent of the owner or tenant of the property;

- c) the Sign does not interfere with the safe operation of vehicular traffic or with the safety of pedestrians; and
  - d) the Sign is otherwise in compliance with this Section 6.
- 6.2 No Person shall place or permit to be placed more than one (1) Election Sign per Candidate or Registered Third Party on a Private Property Lot that is zoned Residential or Mixed Use, except as provided in Sections 6.3 and 6.5.
- 6.3 For a Private Property Corner Lot that is zoned Residential or Mixed Use, no Person shall place or permit to be placed more than two (2) Election Signs per Candidate or Registered Third Party, one (1) such Election Sign to be placed at each Lot line facing a Road.
- 6.4 No Person shall place or permit to be placed an Election Sign on a Private Property Lot that is zoned Commercial, Industrial, Employment or Agricultural, with the exception of one (1) Election Sign per Candidate or Registered Third Party which shall be located within the interior of a building on the property.
- 6.5 If a Private Property Lot contains multiple Residential units, then one (1) additional Election Sign per Candidate or Registered Third Party will be permitted for each Residential unit, provided that each such additional Sign is located within a separate Residential unit and in no event will any two Signs be located less than one (1) metre apart.
- 6.6 Election Signs on Billboards and Campaign Offices shall not be limited by the provisions of Sections 6.1 and 6.4.
- 6.7 No person shall place or permit to be placed an Election Sign on a Billboard or mobile sign on Residential lands.
- 6.8 This by-law shall not apply to Signs placed by the City or the Provincial or Federal governments to provide information concerning an Election or By-law Election or any part of an Election or By-Election process.

**7. REMOVAL AND RETURN OF ELECTION SIGNS – POWERS OF THE CITY CLERK**

- 7.1 Election Signs may be removed and disposed of without prior notification by any municipal staff person of the City or designate as appointed from time to

time by the City Clerk or any Municipal Law Enforcement Officer, if it is determined that the location of the Election Sign is:

- a) located on Public Property;
- b) erected earlier than the period(s) mentioned in Section 4.1, 4.2 or 4.3 of this by-law;
- c) impeding the necessary sight lines of motorists or pedestrians and/or located in a Sight Triangle;
- d) is, or may create, a hazardous condition to the safety of any Person using a Highway;
- e) hindering the municipality's operations;
- f) located on the property of a Voting Place during the voting hours of a Municipal Election; or
- g) remaining posted longer than seven (7) days following the corresponding Election.

7.2 Election Signs caused to be removed by the designated official as provided in Section 7.1 shall be stored by the City for a period of not more than thirty (30) calendar days. The Owner shall be notified by municipal staff that the sign(s) is being stored and may be retrieved without fee or charge. If within the thirty (30) calendar day period, the Owner does not retrieve the Election Sign(s) from the City, the Election Sign(s) shall be disposed of by the City without any further notice and the City shall have no obligation or liability to any Owner in connection with the disposal of the Sign.

## **8. POWER OF ENTRY**

8.1 The City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.

8.2 The City's power of entry may be exercised by an employee, inspector or agent of the City or by a member of the police force with jurisdiction, as well by any person under their direction.

- 8.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer who is exercising a power or performing a duty under this By-law.

## **9. ENFORCEMENT**

This By-law may be enforced by a Municipal Law Enforcement Officer, City Clerk or designate and/or any other person designated.

- 9.1 Order to Perform Work. If a Municipal Law Enforcement Officer or City Clerk is satisfied that a contravention of the By-law has occurred, they may issue an Order to Perform Work requiring work to be done to correct the contravention and shall set out:

- (a) the municipal address or the highway name of the property on which the contravention occurred;
  - (b) the date of the contravention;
  - (c) reasonable particulars of the contravention of this By-law;
  - (d) the time frame for complying with the terms and conditions of the order;
- and
- (e) that if the Order is not complied with within that time, the City may carry out the work at the Owner's expense.

- 9.1.1 Every Person who fails to comply with an order made under section 9.1 is guilty of an offence.

- 9.2 Order To Discontinue Activity. If a Municipal Law Enforcement Officer or City Clerk has reasonable grounds to believe that a contravention of the By-law has occurred, the Municipal Law Enforcement Officer or City Clerk may make an Order to Discontinue Activity requiring the Owner and any Person who contravened this By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

- 9.2.1 Every Person who fails to comply with an order made under section 9.2 is guilty of an offence.

- 9.3 Effective date. Any notice or document respecting this By-law may be given in writing in any of the following ways and is effective:

- (a) when a copy is personally delivered to the Person to whom it is addressed;

(b) on the fifth (5th) day after a copy is sent by registered or regular mail to the Person's last known address;

(c) on the same day of the transmission of a copy by electronic transmission, to the Person's last known electronic transmission number, including electronic mail and facsimile transfer, if it was sent before 4 p.m., otherwise, it is deemed to be given the day after; or

(d) immediately upon posting a copy of the document at or on a conspicuous location on the property, or on the property.

9.4 Compliance with order. Every Person shall comply with an Order issued pursuant to this By-law within the time provided for therein.

9.5 Obstruction of Duties. No Person shall hinder or obstruct the City Clerk or a Municipal Law Enforcement Officer, who is carrying out an inspection of any property for the purpose of enforcing this Bylaw, nor shall any Person hinder or obstruct any employee or agent of the City directed to carry out work to bring the property into compliance with any section of this By-law.

## **10. OFFENCES**

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

10.02 Director or officer of corporation. A director or officer of a corporation who knows that the corporation is violating or has violated a provision of this By-law is guilty of an offence and, upon conviction, is subject to the penalties as set out in this by-law.

10.3 Administrative penalties. A Municipal Law Enforcement Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice pursuant to the City's Non-Parking Administrative Monetary Penalty System (AMPS) By-law 2021-68, as amended.

10.4 Continuing offence. A contravention of the requirements set out in this By-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.

10.5 Additional penalties. If this By-law is contravened and a conviction entered, 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.

## 11. FORCE AND EFFECT

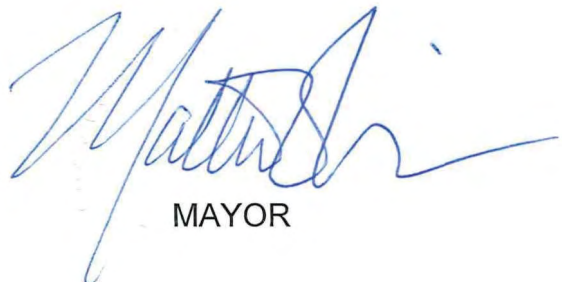
11.1 That this By-law shall come into force and effect upon the date of passing.

## 12. REPEAL

12.1 That By-law No. 2025-023 be and the same is hereby repealed.

Read and passed this 23<sup>rd</sup> day of June 2025.

D Delvecchio  
Acting CLERK

  
MAYOR