

THE CORPORATION OF THE TOWN OF KEARNEY

BY-LAW NO. 2026-14

A By-law to Regulate Election Signs in the Town of Kearney

WHEREAS sections 8, 9, 10 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize municipalities to pass by-laws respecting structures, including signs, and highways over which they have jurisdiction;

AND WHEREAS sections 88.3 to 88.8 of the Municipal Elections Act, 1996, S.O. 1996, c. 32, address campaign and third-party advertising, including the removal of signs that contravene that Act;

AND WHEREAS the Election Act, R.S.O. 1990, c. E.6, governs provincial elections;

AND WHEREAS Council wishes to balance freedom of expression with public safety, accessibility, and municipal operations in a manner consistent with the Canadian Charter of Rights and Freedoms and recent case law;

NOW THEREFORE the Council of The Corporation of the Town of Kearney ENACTS as follows:

1. Short Title

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

2. Purpose and Interpretation

2.1 The purpose of this By-law is to set reasonable, content-neutral time, place and manner rules for Election Signs that:

- (a) protect health, safety, accessibility and municipal operations;
- (b) minimize obstructions and visual clutter; and
- (c) respect freedom of expression by adopting minimally impairing measures.

2.2 This By-law shall be interpreted broadly within the limits of the Municipal Act, 2001. In the event of conflict with another Town by-law regarding Election Signs, this By-law prevails to the extent of the conflict.

3. Definitions

In this By-law:

3.1 "Candidate" means a person nominated or registered under the Municipal Elections Act, 1996, the Election Act (Ontario), or the Canada Elections Act, as applicable.

3.2 "Clerk" means the Clerk of the Town of Kearney or designate.

3.3 "Election Sign" means any sign, poster, placard or device that advertises or promotes a Candidate or political party, or that takes a position on a question/by-law submitted to electors under applicable election legislation; and includes signs for Registered Third Parties; but does not include merchandise such as small stickers on personal property unless placed on public property or otherwise regulated by this By-law.

3.4 "Highway" includes a common and public highway, street, avenue, parkway, driveway, square, place and includes any bridge, trestle, and the area between the lateral property lines thereof, for which the Town has jurisdiction.

3.5 "Registered Third Party" has the meaning in the Municipal Elections Act, 1996.

3.6 "Voting Place" means a place designated by the Clerk for voting under the Municipal Elections Act, 1996, including the entrance and internal hallways to the room used for voting.

3.7 "Boulevard" means that part of a Highway from the edge of the roadway to the property line, including any shoulder, ditch, or sidewalk.

4. Scope and Application

4.1 This By-law applies to Election Signs on Highways and lands under the Town's jurisdiction, and on private property within the Town of Kearney.

4.2 This By-law does not apply to provincial highways under the jurisdiction of the Ministry of Transportation (MTO). Signs along provincial highways are subject to MTO corridor management requirements.

5. General Rules

5.1 Consent on Private Property: No person shall place an Election Sign on private property without the consent of the owner or occupant.

5.2 Prohibited Interference: No person shall affix an Election Sign to any traffic control device, streetlight, utility pole, tree, municipal bench, transit shelter, or waste/recycling container, nor place a sign that obstructs sightlines, accessible routes or maintenance operations.

5.3 Voting Places: No Election Sign shall be displayed in a Voting Place, the hallways leading thereto, or the entrance to the closest door during the hours of voting.

5.4 Authorization Tagline: Election Signs must display any authorization information required by applicable election law.

5.5 Defacement: No person shall destroy, deface, or remove a lawfully placed Election Sign of another, except the owner/occupant on their property or Town staff enforcing this By-law.

6. Timing of Display

6.1 Municipal Elections: Election Signs may be displayed no earlier than July 2, 2026

6.2 Provincial or Federal Elections: Election Signs may be displayed upon issuance of the writ or official call of the election, subject to this By-law and any applicable MTO requirements.

6.3 Removal Deadline: All Election Signs shall be removed within seventy-two (72) hours after Voting Day.

7. Size, Height and Construction

7.1 Private Property: Maximum area 1.2 m² and maximum height 2.0 m above grade, and must be safely secured.

7.2 Boulevards/Road Allowances: Maximum area 0.7 m² and maximum height 1.2 m; must be self-supporting and not create a trip hazard.

7.3 Illumination/Animation: Election Signs shall not be illuminated or electronic/animated, except on legally permitted third-party advertising faces.

8. Placement on Highways (Town Jurisdiction)

8.1 Setbacks:

(a) not within 1.5 m of the curb/edge of pavement;

(b) not within 0.6 m of either side of a sidewalk;

(c) not within 3 m of an intersection on local roads or within 15 m of an

intersection on collector/arterial roads;
(d) at least 1.0 m from any other Election Sign unless the abutting owner/occupant consents.

8.2 Sightlines and Devices: No Election Sign may obstruct sight triangles, sightlines to traffic control devices, or be placed on medians/islands where maintenance or safety is impacted.

8.3 Designated No-Sign Zones: Council may by resolution designate limited no-sign zones at specific locations based on documented safety or maintenance concerns. Such zones shall be narrowly tailored and reviewed after each election.

9. Public Property (Non-Road)

9.1 Municipal Facilities and Parks: Election Signs are prohibited on the grounds of municipal buildings actively used for municipal operations, and in areas of parks or trails where documented safety or maintenance concerns exist, but this prohibition does not extend to adjacent road allowances where signs comply with section 8.

9.2 Street Furniture: Election Signs are prohibited on municipal or contracted street furniture and advertising faces, except as permitted by separate agreement or permit.

10. Campaign Office Signs

10.1 A sign located on a campaign office is deemed an Election Sign and is permitted while the office is in lawful operation, subject to applicable building/sign permit requirements for permanent or fascia signs.

11. Registered Third Parties

11.1 Third-party Election Signs are permitted subject to registration and tagline requirements under the Municipal Elections Act, 1996, and the same placement/size rules as Candidates.

12. Enforcement

12.1 Authority: Municipal Law Enforcement Officers may remove and impound Election Signs erected in contravention of this By-law or posing an immediate safety hazard.

12.2 Notice and Retrieval: The Town shall maintain a log and provide notice to the Candidate or Registered Third Party of the removal and the location for retrieval. An administrative fee equal to the Town's actual handling costs may be charged.

12.3 Penalties: Any person who contravenes this By-law is guilty of an offence and liable to fines as provided under the Municipal Act, 2001, and any applicable Administrative Monetary Penalty System by-law.

12.4 Cost Recovery: The Town may recover costs of removal/cleanup from the responsible party in accordance with law.

13. Accessibility

13.1 Election Signs shall not obstruct accessible routes, curb cuts, or bus stops, and shall respect the Town's accessibility practices.

14. Severability

14.1 If any provision of this By-law is declared invalid, the remainder continues in force.

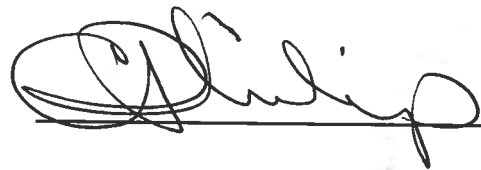
15. Repeal and Transition

15.1 By-law 2018-15 and all by-laws or parts of by-laws inconsistent with this By-law are repealed on the coming into force of this By-law.

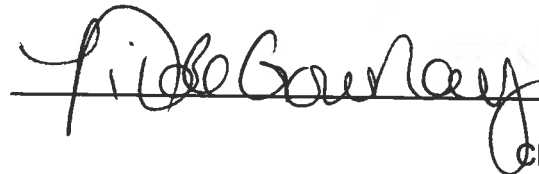
15.2 This By-law comes into force and effect on the date of its passing.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 19 day of March 2026.

THE CORPORATION OF THE
TOWN OF KEARNEY



Mayor



Clerk