



## LEGISLATIVE SERVICES

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<b>TO:</b>	Council	
<b>DATE:</b>	January 26, 2021	<b>DIVISION:</b> All
<b>FILE:</b>	N/A	<b>APPLICATION:</b> N/A
<b>SUBJECT:</b>	Election Sign Bylaw C-8124-2021	

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### POLICY DIRECTION:

The *Municipal Government Act* (MGA) provides that a municipality has the direction, control, and management of all roads within a municipality; the *Traffic Safety Act* authorizes the Council of a municipality to make bylaws with respect to highway under its direction, control, and management, which is consistent with the MGA.

### EXECUTIVE SUMMARY:

The purpose of this report is to propose *Election Sign Bylaw C-8124-2020*, a single foundational bylaw intended to regulate election signs installed or erected within the County and to outline the duties, responsibilities, expectations and penalties associated with election signs. In order to reflect the intentions of the bylaw given the numerous changes, Administration is recommending that Bylaw C-7504-2015 be repealed and replaced with Bylaw C-8124-2021.

### ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1

### BACKGROUND:

*Election Sign Bylaw C-7504-2015* was passed by Council on September 29, 2015. Since then, there have been changes to the *Local Authorities Election Act*, which now allows official candidates to be declared starting on January 1 of a general municipal election year, and includes provisions for registered third parties conducting election advertising, which may include the use of election signs. The County has also undergone a comprehensive review of the *Land Use Bylaw*, and Council approved the new bylaw, which includes guidance on election signs, in June 2020.

Administration revised the *Election Sign Bylaw* to reflect the regulatory changes that have occurred to ensure consistency and clarity. The proposed revisions also reinforce the County's commitment to safety by specifying sign height and spacing to improve sightlines for users of the roadway. The changes are also based on operational feedback from previous elections to streamline processes.

### SUMMARY OF HIGHLIGHTED CHANGES:

The following sections of the proposed *Election Sign Bylaw* outline how election signage would be regulated within the County.

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#### Administration Resources

Karen Jiang, Legislative Services



### Election Sign Installation and Erection on Public Road Rights of Way

The election period in which a sign may be erected for municipal elections on a public road right of way, begins at the close of nominations (September 20, 2021, for the next municipal election) and ends at the close of voting stations (October 18, 2021: Election Day). For provincial and federal elections, signs may be erected starting from the issuance of the writ and ending after the close of polls. This requirement is consistent with the previous *Election Sign Bylaw* and current election sign requirements for The City of Calgary, Regional Municipality of Wood Buffalo, Strathcona County, the City of Red Deer, the City of St. Albert, the City of Spruce Grove, and the City of Chestermere.

### Election Sign Installation and Erection on Private Property

Subject to consent of the property owner, election signs may be placed on private property: at any time starting January 1 in the year of a municipal general election; after nominations day for a municipal by-election; and from the issuance of the writ for a provincial or federal election. This change is to reflect the amendment to the *Local Authorities Election Act* (LAEA), which allows nominations to begin January 1 of an election year, recognizing that candidates may want to begin campaigning with election signage after declared nominated, and allows registered third parties that advertise to support or oppose a candidate to campaign with election signage.

This provision of allowing election signs on private property without a development permit, as per the proposed *Election Sign Bylaw*, ceases to be in effect 72 hours after the close of voting stations, after which the sign will no longer be considered an election sign and will be subject to requirements and enforcement provisions of the *Land Use Bylaw*.

### Public Road Right of Ways Set Backs and Definitions

Based on operational requirements for safety considerations, Administration is recommending further setbacks from permanent signs, fire hydrants, intersections, merge lanes, approach entrances, roadway curbs and/or edges of roadways. The safety considerations as per the setbacks recommended include: sight lines for motorists/pedestrians, distractions to motorists at conflict points (approaches, intersections, merge lanes), obscured traffic control signs, and obscured fire hydrants.

### Enforcement

Sections regarding enforcement, prosecutions, and penalties have been streamlined for operational clarity and efficiency. This includes the removal of Schedule 'A' - the minimum and specified penalty schedule of the current *Election Sign Bylaw*.

Another change under the new *Election Sign Bylaw* includes allowing County employees, in addition to Enforcement Officers, to be authorized to remove election signs that impede or interfere with County Operations and/or pose a safety risk. This amendment was made in consultation with several County departments: Asset Management, Solid Waste and Recycling, Transportation Services, Road Operations, Road Maintenance Operational Service, and Bylaw Enforcement. The consultation was based on their experience dealing with election signage of past elections on road rights of way and on properties owned or occupied by the County.



## Definitions

Definitions have been rewritten for clarity and based on feedback from departments to incorporate definitions that are consistent with their use in other County policies.

Existing Definition Election Sign Bylaw C-7504-2015	Recommended Definition Election Sign Bylaw C-8184-2021
<p><b>“Election”</b> means a Federal, Provincial, Municipal, or School Board general election or by-election held pursuant to the Canada Elections Act, S.C. 2000, Chapter 9, Election Act, R.S.A 2000 Chapter E-1, or the Local Authorities Election Act, RSA 2000 Chapter L-21.</p>	<p><b>“Election”</b> means a general election, by-election, and a vote on a bylaw or question as administered by Rocky View County under the <i>Local Authorities Election Act</i>, school board elections under the <i>Education Act</i>, and any other elections administered by Elections Alberta and Elections Canada within the municipal boundaries of Rocky View County.</p>
<p><b>“Election Sign”</b> means any sign connected with an Election, including but not limited to signs describing or promoting the Election process, a Candidate or a party seeking Election, a referendum or plebiscite.</p>	<p><b>“Election Sign”</b> means a sign:</p> <ul style="list-style-type: none"> <li>(1) used to promote a candidate or party for an election administered by Rocky View County under the <i>Local Authorities Election Act</i>, school board elections under the <i>Education Act</i>, and any elections administered by Elections Alberta and Elections Canada within the municipal boundaries of Rocky View County;</li> <li>(2) with a maximum sign face dimensions not exceeding 1.2 metres (4 feet) by 1.2 metres (4 feet);</li> <li>(3) that is not illuminated; and</li> <li>(4) that indicates the name of a nominated candidate or Registered Third Party.</li> </ul>
<p><b>“Roadway”</b> means the portion of the Road Right of Way intended for use by vehicular traffic, pedestrians, cyclists, or other modes of transportation.</p>	<p><b>“Roadway”</b> means the portion of the Road Right of Way intended for use by vehicular traffic, pedestrians, cyclists or other modes of transportation and includes paved or gravel shoulders, medians, traffic circles, and roadway structures, including but not limited to: bridges, guardrails, retaining walls, or concrete barriers.</p>



Existing Definition Election Sign Bylaw C-7504-2015	Recommended Definition Election Sign Bylaw C-8184-2021
<p><b>“Road Right of Way”</b> means land which is under the direction, control and management of Rocky View County and which is:</p> <p>i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or</p> <p>ii) used as a public road and includes a bridge forming part of a public road, together with any structure incidental to the public road or road allowances including but not limited to boulevards, ditches, swales, fences, retaining walls, sidewalks, traffic control devices and traffic control signals. A Road Right of Way may or may not contain a developed road</p>	<p><b>“Road Right of Way”</b> means land that is under the direction, control, and management of Rocky View County and is:</p> <p>(a) shown as a road on a plan of survey that has been filed or registered in a land titles office, or</p> <p>(b) used as a public road and includes a bridge forming part of the public road, together with any structure incidental to the public road or road allowances including, but not limited to, boulevards, ditches, swales, fences, retaining walls, sidewalks, pathways, trails, street lights, traffic control devices and traffic control signals, and which may or may not contain a developed road.</p>
<p><b>“Sign Owner”</b> means the Candidate or Person having the use of major benefit of the Election Sign.</p>	<p><b>“Sign Owner”</b> means is a person who is indicated on an election sign, who created an election sign, who installed an election sign, who is in lawful control of the election eign, or who is the subject of or otherwise benefits from the message of the election sign; for the purposes of this bylaw, there may be more than one sign owner.</p>
<p><b>“Polling Place” or “Voting Place”</b> means the entire building where the Election voting will occur and the property associated with the building.</p>	<p><b>“Voting Station”</b> means the entire building where Election voting will occur, and the property associated with the building; also known as polling place, polling station, or voting place.</p>

**BUDGET IMPLICATIONS:**

There are no budget implications at this time.

**STRATEGIC OBJECTIVES:**

The strategic objective of Enhancing Transparency and Communication is supported with this review.



**OPTIONS:**

- Option #1:     Motion 1:     THAT Bylaw C-8124-2021 be given first reading.  
                  Motion 2:     THAT Bylaw C-8124-2021 be given second reading.  
                  Motion 3:     THAT Bylaw C-8124-2021 be considered for third reading.  
                  Motion 4:     THAT Bylaw C-8124-2021 be given third and final reading.
- Option #2:     THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Amy Zaluski"

"Al Hoggan"

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Director  
Legislative Services

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Chief Administrative Officer

**ATTACHMENTS:**

- Attachment 'A' – Election Sign Bylaw C-8124-2021  
Attachment 'B' – Election Sign Bylaw C-7504-2015 to be rescinded