



## **BYLAW C-7504-2015**

### **A Bylaw of Rocky View County to regulate Election Signs installed or erected within County Road Right-of-Way**

**WHEREAS** Sections 7 and 8 of the Municipal Government Act, RSA 2000 Chapter M-26 authorizes Council of a municipality to pass bylaws for the safety, health and welfare of people and the protection of people and property and for people, activities, and things in, on or near a public place or place that is open to the public, which bylaws may regulate or prohibit, and impose fines and penalties for infractions of the bylaws;

**AND WHEREAS** pursuant to Section 18 of the *Municipal Government Act*, RSA 2000 Chapter M-26 a municipality has the direction, control and management of all roads within the municipality;

**AND WHEREAS** Section 13 of the *Traffic Safety Act*, RSA 2000 Chapter T-6, authorizes Council of a municipality to make bylaws with respect to a highway under its direction, control and management which are not inconsistent with the Act;

**NOW THEREFORE**, Council of Rocky View County, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **PART 1 - TITLE**

1. This bylaw shall be known as the "Election Sign Bylaw."

#### **PART 2 - PURPOSE**

2. The general purpose of this bylaw is to encourage the effective use of Election Signs as a means of communication in a manner that ensures safety and aesthetics. To meet these objectives, this bylaw contains regulations that can be equitably applied and enforced.

#### **PART 3 – DEFINITIONS**

3. In this Bylaw, unless the content otherwise requires:
  - (a) "Candidate" means a person officially nominated as a candidate at an Election and his/her authorized agent;
  - (b) "Council" means the duly elected Council for Rocky View County;
  - (c) "Court" means a Court of competent jurisdiction in the Province of Alberta;

- (d) "Election" 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;
- (e) "Election Sign" 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;
- (f) "Enforcement Officer" means a member of the Royal Canadian Mounted Police (R.C.M.P), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the **Peace Officers Act** S.A. 2006 Chapter P-3.5, and a Bylaw Enforcement Officer employed by Rocky View County in accordance with the **Municipal Government Act**;
- (g) "Environmental Reserve" (ER) means land designated as environmental reserve by the County or the County's subdivision authority pursuant to Part 17, Division 8 of the **Municipal Government Act**;
- (h) "Land Use Bylaw" means the Rocky View County Land Use Bylaw No. C-4841-97, as amended or replaced by Council from time to time;
- (i) "**Municipal Government Act**" means the **Municipal Government Act**, R.S.A. 2000 Chapter M-26, including all regulations passed thereunder and all amendments thereto;
- (j) "Municipal Reserve" (MR) means land designated as municipal reserve by the County or the County's subdivision authority pursuant to Part 17, Division 8 of the **Municipal Government Act**;
- (k) "Municipal and School Reserve" (MSR) means land designated as municipal and school reserve by the County or the County's subdivision authority pursuant to Part 17, Division 8 of the **Municipal Government Act**;
- (l) "Person" means any individual or corporate entity including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company, society, political party and any other legal entity;
- (m) "Polling Place" or "Voting Place" means the entire building where the Election voting will occur and the property associated with the building;
- (n) "Permanent Sign" means a permanent sign approved by the County in accordance with the Land Use Bylaw and other applicable bylaws;
- (o) "Portable Sign" means a temporary sign approved by the County in accordance with the Land Use Bylaw and other applicable bylaws;
- (p) "**Provincial Offences Procedures Act**" means the **Provincial Offences Procedures Act**, R.S.A. 2000 Chapter P-34, as amended from time to time;

- (q) "Provincial Highway" means any highway or road that is subject to the direction, control and management of the Province of Alberta by virtue of legislation including but not limited to the **Traffic Safety Act**, R.S.A. 2000 Chapter T-6, the **Highways Development and Protection Act** S.A. 2004 Chapter H-8.5, the **Provincial Parks Act**, R.S.A. 2000 Chapter P-35 and the **Public Lands Act**, R.S.A. 2000 Chapter P-40;
- (r) "Public Park" means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purpose of public park land, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the County owning the park;
- (s) "Public Utility Lot" (PUL) means land designated as public utility lot by the County or the County's subdivision authority pursuant to Part 17, Division 8 of the **Municipal Government Act**;
- (t) "Roadway" means that portion of the Road Right of Way intended for use by vehicular traffic, pedestrians, cyclists or other modes of transportation;
- (u) "Road Right of Way" means land which is under the direction, control and management of Rocky View County and which is:
- i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
  - ii) 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, traffic control devices and traffic control signals. A Road Right of Way may or may not contain a developed road;
- (v) "Rocky View County" means Rocky View County as a municipal corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of Rocky View County, as the context of this Bylaw so requires;
- (w) "Sign Owner" means the Candidate or Person having the use or major benefit of the Election Sign; and
- (x) "Violation Ticket" means a ticket issued pursuant to Part 2 of the **Provincial Offences Procedures Act**, R.S.A. 2000 Chapter P-34, or as amended from time to time.

**PART 4 - GUIDELINES**

4.1 An Election Sign is permitted to be erected within a Road Right of Way if the Election Sign:

- (a) is in compliance with the applicable provisions of all applicable Rocky View County bylaws including but not limited to Section 35.13 of the Land Use Bylaw which provides that:

County, federal or provincial elections signs shall not be erected before 30 days before a County Election or before the date of election call for a Federal or Provincial Election, and shall be removed within 72 hours of the closing of the polls.

- (b) is located 30 metres or more from another Election Sign promoting the same Candidate or promoting the same position on a referendum or plebiscite;
- (c) is located 30 metres or more from an approved Portable Sign;
- (d) is located 10 metres or more from an approved Permanent Sign;
- (e) is located 100 metres or more from a construction site or area marked for construction work;
- (f) is located 5 metres or more from a fire hydrant;
- (g) will not interfere with the safe and orderly movement of pedestrians, or with the sightlines between pedestrians and/or vehicles; and
- (h) is mounted on an A-frame or on a stake firmly secured in a grassed area.

4.2 No Person shall erect, cause or permit to be erected an Election Sign within a Road Right of Way if the Election Sign is:

- (a) located within 90 metres of an intersection with a signal, 15 metres of an intersection without a signal, 15 meters of a merge lane or within 2 metres of a curb and/or edge of a Roadway;
- (b) located on a Roadway (including paved shoulders),-median, traffic circle;
- (c) supported by string, rope, or wire;
- (d) placed on Roadway structures, including, but not limited to, bridges, guardrails, retaining walls or concrete barriers; or
- (e) located at any traffic control device or where it may obscure or distract from, or may be confused with a traffic control device.

4.3 No Person shall erect, cause or permit to be erected an Election Sign in any:

- (a) Public Park,
- (b) Municipal Reserve,

- (c) Environmental Reserve,
  - (d) Municipal and School Reserve,
  - (e) Public Utility Lot, or
  - (f) Other property owned or occupied by Rocky View County.
- 4.4 No Person shall at any time nail, tape, staple, tie or otherwise attach an Election Sign, or cause an Election Sign to be nailed, taped, stapled, tied or otherwise attached to or upon anything located on or within a Road Right of Way including, but not limited to, utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures.
- 4.5 No Person shall erect, cause or permit to be erected an Election Sign in any place that may obstruct or impede any exit routes or escape routes or impede free access of emergency vehicles.
- 4.6 No Person shall erect, cause or permit to be erected an Election Sign that may obstruct the view of any traffic signal, resemble any regulated traffic sign or signal or obstruct the view of any person operating a vehicle which otherwise may pose a safety hazard.
- 4.7 No Person shall at any time on any Election voting day (12:00 a.m. to 11:59 p.m.), including those days when advance Election voting is held, erect, cause or permit to be erected an Election Sign or display a vehicle sign at any Polling Place or Voting Place.
- 4.8 No Person shall at any time erect, cause or permit to be erected an Election Sign or display a vehicle sign within 150 metres (492 feet) of a Polling Place or Voting Place except on private property.
- 4.9 In an Election to be held pursuant to the **Local Authorities Election Act**, no Person shall erect, cause or permit to be erected an Election Sign prior to nomination day as prescribed in that Act.
- 4.10 No Person shall use or display the Rocky View County logo or brand, in whole or in part, on any Election Sign.
- 4.11 Every Sign Owner shall ensure that Election Signs are designed, erected and installed in accordance with the applicable legislation governing that Election including, but not limited to, the **Canada Elections Act** (Federal Elections), **Election Act** (Provincial Elections) and **Local Authorities Election Act** (Municipal and School Board Elections).
- 4.12 No Person shall erect, cause or permit to be erected an Election Sign that incorporates in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description or which otherwise creates a public safety risk.
- 4.13 No Person shall erect, cause or permit to be erected an Election Sign on private property without the property owner's consent.



- 4.14 No Person shall deface, remove or willfully cause damage to a lawfully erected Election Sign.
- 4.15 Every Sign Owner shall ensure that all Election Signs are removed no later than 72 hours following the voting day of the Election for which the Election Sign was erected or installed.
- 4.16 Each Election Sign shall have a maximum sign face of 1.2 m (4ft) by 1.2m (4ft).
- 4.17 The Sign Owner is responsible for ensuring all Election Signs are kept free from damage and disrepair. Sign Owners are responsible to remove any damaged or vandalized Election Signs immediately.
- 4.18 The Sign Owner is liable for any and all damage, loss and expenses resulting from the removal of any Election Sign which is installed or erected in breach of this Bylaw.
- 4.19 Where an Enforcement Officer has determined that the Election Sign violates this Bylaw or otherwise poses a public safety risk, he/she may give notice to the Sign Owner to remove the Election Sign.
- 4.20 Where a Sign Owner has been given notice to remove the Election Sign by an Enforcement Officer, the Sign Owner shall remove the Election Sign within 24 hours of receiving the notice or within such other time period as the Enforcement Officer may direct.
- 4.21 Where the Sign Owner has not removed the Election Sign in accordance with Paragraph 4.20 or where the Enforcement Officer has determined that the Election Sign violates this Bylaw or otherwise poses a public safety risk, the Enforcement Officer may remove and dispose of the Election Sign without providing notice to the Sign Owner.
- 4.22 Rocky View County shall not be liable for any damage or loss of an Election Sign that was erected or installed within a Road Right of Way or that was removed by an Enforcement Officer on the basis that the Election Sign violated this Bylaw or posed a public safety risk.
- 4.23 Before any ground disturbance related to the installation or erection of the Election Sign begins, the Sign Owner must contact Alberta One-Call (1-800-242-3447) at least two (2) weeks prior to the work beginning to have all utilities located.
- 4.24 Each Sign Owner must provide Rocky View County Legislative Services with his/her contact information and description of Election Signs.

## **PART 5 - EXEMPTIONS**

- 5.1 The following Election Signs are exempt from the application of this Bylaw:
  - (a) any sign carried by or on an individual;
  - (b) any sign erected or installed on private property which is erected in accordance with the Land Use Bylaw; and

(c) Any Signs placed within a Provincial Highway Road Right-of-Way.

#### **PART 6 - OFFENCES**

- 6.1 Any Person who violates any provision of this Bylaw has committed an offence.
- 6.2 Each Election Sign in contravention of this Bylaw constitutes a separate violation for which a Violation Ticket may be issued.

#### **PART 7 - GENERAL PENALTY PROVISION**

7. In accordance with the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26 Section 566 or as amended, any Person that violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000 or in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

#### **PART 8 - ENFORCEMENT**

- 8.1 Where an Enforcement Officer has reasonable and probable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
- (a) issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the ***Provincial Offences Procedure Act***; or
  - (b) swearing out an information and complaint against the Person.
- 8.2 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 8.1(a) of this bylaw, the Enforcement Officer may either:
- (a) allow the Person to pay the minimum and specified penalty established in "Schedule A" for the offence by including such minimum and specified penalty in the Violation Ticket; or
  - (b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the ***Provincial Offences Procedure Act***.
- 8.3 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall in any way restrict, limit, prevent or preclude the County from pursuing any other remedy in relation to an offence, as may be provided by the ***Municipal Government Act***, or any other law of the Province of Alberta.

#### **PART 9 - SEVERABILITY**

9. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

#### **PART 10 - STRICT LIABILITY OF OFFENCE**

10. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

**PART 11 - TRANSITIONAL**

- 11.1 Bylaw C- 6077-2005 is hereby repealed upon the passing of this bylaw.
- 11.2 Bylaw C-7504-2015 is passed when it receives third reading, and is signed by the Reeve/Deputy Reeve and the Chief Administrative Officer or his/her designate, as per Section 189 of the ***Municipal Government Act***.

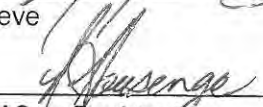
READ A FIRST TIME IN COUNCIL this 29<sup>th</sup> day of September , 2015


READ A SECOND TIME IN COUNCIL this 29<sup>th</sup> day of September , 2015

*UNANIMOUS PERMISSION FOR THIRD READING* 29<sup>th</sup> day of September , 2015

READ A THIRD TIME IN COUNCIL this 29<sup>th</sup> day of September , 2015

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
CAO or Designate

  
\_\_\_\_\_  
Date Bylaw Signed



## **SCHEDULE "A"**

### **MINIMUM AND SPECIFIED PENALTIES**

<b>PART</b>	<b>OFFENCE</b>	<b>MINIMUM AND SPECIFIED PENALTY</b>
4.1(a)	Erect Election Sign before 30 days before County Election or before election call for federal or provincial election	\$100
4.1(b)	Erect Election Sign less than 30 m from another Election Sign	\$100
4.1(c)	Erect Election Sign less than 30 m from an approved Portable Sign	\$100
4.1(d)	Erect Election Sign less than 10 m from an approved Permanent Sign	\$100
4.1(e)	Erect Election Sign less than 100 m from a construction site	\$100
4.1(f)	Erect Election Sign less than 5 m away from a fire hydrant	\$100
4.1(g)	Erect Election Sign that interferes with safe pedestrian movement or obstructs sightlines between pedestrians and /or vehicles	\$100
4.2(a)	Improper location of an Election Sign	\$100
4.2(b)	Place Election sign on Roadway, centre median or traffic circle	\$100
4.2(c)	Erect Election sign that is fixed or supported by string, rope or wire	\$100
4.2(d)	Erect Election Sign on bridge, guardrail, retaining wall or concrete barrier	\$100
4.2(e)	Erect Election Sign at traffic control device that obstructs with this device	\$100
4.3(a)	Erect Election Sign Public Park	\$100
4.3(b)	Erect Election Sign in Municipal Reserve	\$100
4.3(c)	Erect Election Sign in Environmental Reserve	\$100
4.3(d)	Erect Election Sign in Municipal & School Reserve	\$100

## **SCHEDULE "A"**

### **MINIMUM AND SPECIFIED PENALTIES**

<b>PART</b>	<b>OFFENCE</b>	<b>MINIMUM AND SPECIFIED PENALTY</b>
4.3(e)	Erect Election Sign in Public Utility Lot	\$100
4.3(f)	Erect Election Sign on Rocky View County owner or occupied property	\$100
4.4	Attach Election Sign to utility box, pole or similar fixture	\$100
4.5	Erect Election Sign that obstructs or impedes exit routes for Emergency Vehicles	\$100
4.6	Election Sign obstructs view of traffic signal/sign or person operating a vehicle or resemble traffic signal/sign	\$100
4.7	Erect Election Sign on voting day	\$100
4.8	Erect Election Sign within 150 m of Polling Place	\$100
4.9	Erect Election Sign prior to nomination day	\$100
4.10	Use Rocky View County logo on Election Sign	\$100
4.12	Erect flashing or moving Election Sign	\$100
4.13	Erect Election Sign on private property without consent	\$100
4.14	Deface, remove or damage Election Sign	\$100
4.15	Fail to remove Election Sign within 72 hours after Election	\$100
4.16	Erect oversized Election Sign	\$100
4.17	Fail to keep Election Sign in good repair	\$100
4.20	Fail to remove Election Sign as directed by Enforcement Officer	\$100
4.23	Fail to locate buried utilities before erecting Election Sign	\$100
4.24	Fail to provide Election Sign details to Rocky View County	\$100