

BYLAW 11-24

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE ELECTION SIGNAGE

WHEREAS pursuant to the provision of the *Municipal Government Act (Act)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw respecting people, activities, and things in, on, or near a public place or place that is open to the public within the Town of Okotoks; and

WHEREAS Council deems it desirable to regulate election signage in order to balance the need for promotion and expression with safety and aesthetics; and

WHEREAS preventing election sign proliferation helps to reduce visual clutter and allows for more effective communication of information for all sign users; and

WHEREAS regulating the size, location, quantity, and duration of placement of election signage ensures equitable application and enforcement amongst candidates and political parties, and ensures the safety of motorists, pedestrians, and municipal property is maintained.

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be known as the 'Election Signage Bylaw'.

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

2.1 **boulevard** means that portion of highway that:

2.1.1. is not a roadway; and

2.1.2. is the part of the sidewalk that is not especially adapted for the use of, or ordinarily used by, pedestrians;

2.2 **candidate** means an individual who has been nominated to run for election in a municipal, provincial, or federal government, or as a school board trustee;

- 2.3 **Chief Administrative Officer (CAO)** means the person appointed to the position of chief administrative officer for the Town of Okotoks within the meaning of the *Act*;
- 2.4 **curb** means the boundary between the pavement or highway and the shoulder, sidewalk, footpath, median, boulevard, or car parking space;
- 2.5 **designated sign corral** means a specified area of public land designated by the Town for the placement of election signage during an election period;
- 2.6 **election period** means:
- 2.1.3. for either a federal or provincial election or by-election, the period starting from the issuance of the writ and ending after the close of polls; or
 - 2.1.4. for a municipal general election or by-election or school board election or by-election, the period starting from the close of nominations and ending after the close of polls;
- 2.7 **election sign** means any placard placed or erected and used to promote a candidate during a provincial or federal election or by-election, or any election or by-election held pursuant to the *Local Authorities Election Act*, Revised Statutes of Alberta 2000, Chapter L-21 and amendments thereto;
- 2.8 **highway** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, traffic lane, alley, square, bridge, causeway, trestle way, or other place whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
- 2.1.5. a sidewalk (including the boulevard portion of the sidewalk);
 - 2.1.6. a ditch which lies adjacent to and parallel with the roadway; and
 - 2.1.7. a highway right of way that is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway as the case may be;
- but excludes any street or road located on privately owned land;
- 2.9 **Peace Officer** means:
- 2.1.8. a member of the Royal Canadian Mounted Police;
 - 2.1.9. a Community Peace Officer as appointed by the Solicitor General of Alberta; or
 - 2.1.10. a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;

- 2.10 **person** means a natural person or a body corporate and includes a partnership, a group of persons acting in concert, an association, or society;
- 2.11 **property** means a store, office, warehouse, factory, building, enclosure, yard, or other place occupied, or capable of being occupied, by any person;
- 2.12 **property owner** is:
- 2.1.11. a person who is registered under the *Land Titles Act* as the owner of a parcel of land;
 - 2.1.12. a person who is recorded as the owner of a property on the tax assessment roll of the Town;
 - 2.1.13. a person who has purchased or otherwise acquired a parcel of land, whether they have purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - 2.1.14. a person holding themselves as the person having the powers and authority of ownership of a property or premises or who, for the time being, exercises the powers and authority of ownership; or
 - 2.1.15. a person controlling a property or premises under construction; or
- 2.13 **public land** means any publicly owned parcel to which the public have access as of right or by invitation, express or implied, including any land designated as an urban reserve;
- 2.14 **sidewalk** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between:
- 2.1.16. the curb; or
 - 2.1.17. where there is no curb, the edge of the roadway; and
 - 2.1.18. the adjacent property line, whether or not paved or improved;
- 2.15 **Town** means the Corporation of the Town of Okotoks in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- 2.16 **Town tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this bylaw;
- 2.17 **vehicle** means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not includes a mobility aid;

2.18 **violation ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

3. ELECTION SIGNS

3.1 Election signs must:

- 3.1.1. indicate the nominated candidate or registered third party;
- 3.1.2. be installed by manual means only;
- 3.1.3. not be permanent in nature;
- 3.1.4. not be illuminated by any means;
- 3.1.5. not have any moving or rotating parts;
- 3.1.6. not use the Town's logo or brand in whole or in part;
- 3.1.7. not bear a legend that in any way imitates a standard or commonly used highway traffic sign or control device; or
- 3.1.8. not be inappropriate or offensive as deemed by the CAO.

4. SIZE AND QUANTITY OF SIGNAGE

- 4.1. The maximum size of the election sign face is 1.5m² and the entire election sign, including supports, must be less than 2.5m in height when measured from grade.
- 4.2. Each candidate may have:
 - 4.2.1. one (1) election sign that is the maximum size (1.5m²); and
 - 4.2.2. no more than three (3) of any other size not exceeding the maximum size;for a maximum total of four (4) election signs per designated sign corral.
- 4.3. When an election sign is located inside the property lines of private property in any district within the Land Use Bylaw, excepting commercial or industrial properties, the maximum election sign size is 0.75m², and the entire election sign including supports, must be less than 2.0m in height when measured from grade.
- 4.4. Despite subsection 4.3 of this Bylaw, when an election sign is located on private property entirely inside the property lines of a commercial or industrial property, the maximum election sign size is 1.5m², and the entire election sign including supports, must be less than 2.5m in height when measured from grade.
- 4.5. Election signs may be double sided.

5. PLACEMENT

- 5.1. Election signs may only be placed on public land within the boundaries of a designated sign corral, as established in Schedule 'A' of this Bylaw.
- 5.2. Elections signs located outside the boundaries of a designated sign corral will be removed and the candidate subject to fines as outlined in Schedule 'B' of this Bylaw.
- 5.3. Election signs that penetrate the ground shall not interfere with underground utilities as marked by Alberta One Call and shall not occur within 1m of all flag/painted markings. Fines for the disturbance of markings or damage to underground utilities may apply. Any damage to public lands or underground utilities as a result of election sign placement or access to a designated sign corral will be the responsibility of the candidate.
- 5.4. Election signs may be placed on private property with the property owner's permission.
- 5.5. It is the responsibility of the property owner to ensure the signs are within their property line and not on public land such as medians, boulevards, and utility right of ways. Any damage to underground utilities as a result of election sign placement will be the responsibility of the property owner.
- 5.6. Any person placing election signs near a highway will wear a reflective safety vest.
- 5.7. Election signs will be installed during daylight hours only.
- 5.8. Vehicles used for transporting and installing election signs:
 - 5.8.1. must adhere to all traffic laws as set out in the *Traffic Safety Act*; and
 - 5.8.2. must be legally parked.

6. DURATION

- 6.1. Election signs in designated sign corrals not removed within the following timeframes will be subject to fines outlined in Schedule 'B' of this Bylaw:
 - 6.1.1. For municipal general elections or by-elections and school board elections or by-elections, signs may be displayed in designated sign corrals six (6) weeks prior to the election day until three (3) days following the election.

- 6.1.2. For provincial and federal elections or referendums, signs may be displayed from the date of the election or referendum being called until three (3) days following the election or referendum.
- 6.2. Election signs on private property not removed within the following timeframes will be subject to fines outlined in Schedule 'B' of this Bylaw:
 - 6.2.1. For all election types, municipal, provincial, federal, or school board, election signs may be displayed on private property six (6) weeks prior to the election day or referendum being called until seven (7) days following the election or referendum.
 - 6.2.2. Election signs on private property that are not removed in accordance with subsection 6.2.1 will no longer be deemed an election sign and will be subject to enforcement provisions under the Land Use Bylaw.

7. MAINTENANCE AND DAMAGE TO PUBLIC LANDS

- 7.1. During the allowed election sign placement period, the designated sign corrals are to be monitored and maintained by candidates inclusive of, but not limited to:
 - 7.1.1. maintenance of election signs;
 - 7.1.2. general litter clean-up in the designated sign corrals;
 - 7.1.3. repair and/or removal of signs damaged due to vandalism, weather, or collision; and
 - 7.1.4. any other repair or maintenance of signs as directed by the Town.
- 7.2. Election signage that is not maintained in a reasonable manner and poses a public safety risk will be removed from the designated sign corral and disposed of by the Town and the candidate may be responsible for any costs the Town may incur in this regard.
- 7.3. Any election signage placed in contravention of this Bylaw may be immediately impounded by the Town and subject to the fines outlined in Schedule 'B' of this Bylaw.
- 7.4. Any sign components remaining after the permitted election sign placement period (e.g. rebar or protruding stakes) will be removed from the designated sign corral and disposed of by the Town and the candidate may be held responsible for costs the Town may incur in this regard and as outlined in Schedule 'B' of this Bylaw.

8. PENALTIES AND ENFORCEMENT

- 8.1. No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of this Bylaw.
- 8.2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars, imprisonment for a term not exceeding one (1) year, or both.
- 8.3. Where there is a specified penalty listed for an offence in Schedule 'B' to this Bylaw, that amount is the minimum specified penalty for the offence.
- 8.4. Where a person contravenes the same provision of this Bylaw two (2) or more times within one 12-month period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule 'B' for such offences.
- 8.5. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 8.6. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other bylaw.
- 8.7. Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
 - 8.7.1. a Town tag allowing a payment of the specified penalty to the Town; or
 - 8.7.2. a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*.
- 8.8. Service of a Town tag will be sufficient if it is:
 - 8.8.1. personally served; or
 - 8.8.2. served by regular mail to the person's last known mailing address.
- 8.9. If a violation ticket is issued in respect to an offence, the violation ticket may:
 - 8.9.1. specify the fine amount established by this bylaw for the offence; or
 - 8.9.2. require a person to appear in court without the alternative of making a voluntary payment.

- 8.10. A person who commits an offence may:
- 8.10.1. if a violation ticket is issued in respect of the offence; and
 - 8.10.2. if the violation ticket specified the fine amount established by this Bylaw for the offence;
- make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the provincial courthouse specified on the violation ticket.

9. GENERAL

- 9.1. Any person who contravenes any provision of this Bylaw by:
- 9.1.1. doing any act or thing which the person is prohibited from doing; or
 - 9.1.2. failing to do any act or thing the person is required to do;
- is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 9.2. Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw(s), or any requirement of any lawful permit, order or license.
- 9.3. Schedules 'A' and 'B' shall form a part of this Bylaw.
- 9.4. No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Town from pursuing any other remedy in relation to a premises as provided by the *Act*, or any other law of the Province of Alberta.

10. SEVERABILITY

- 10.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

This Bylaw shall come into full force and effect upon third and final reading,

READ A FIRST TIME this 22nd day of January 2024.

READ A SECOND TIME this 25th day of March 2024.

READ A THIRD TIME AND PASSED this 25th day of March 2024.

---Original Signed---

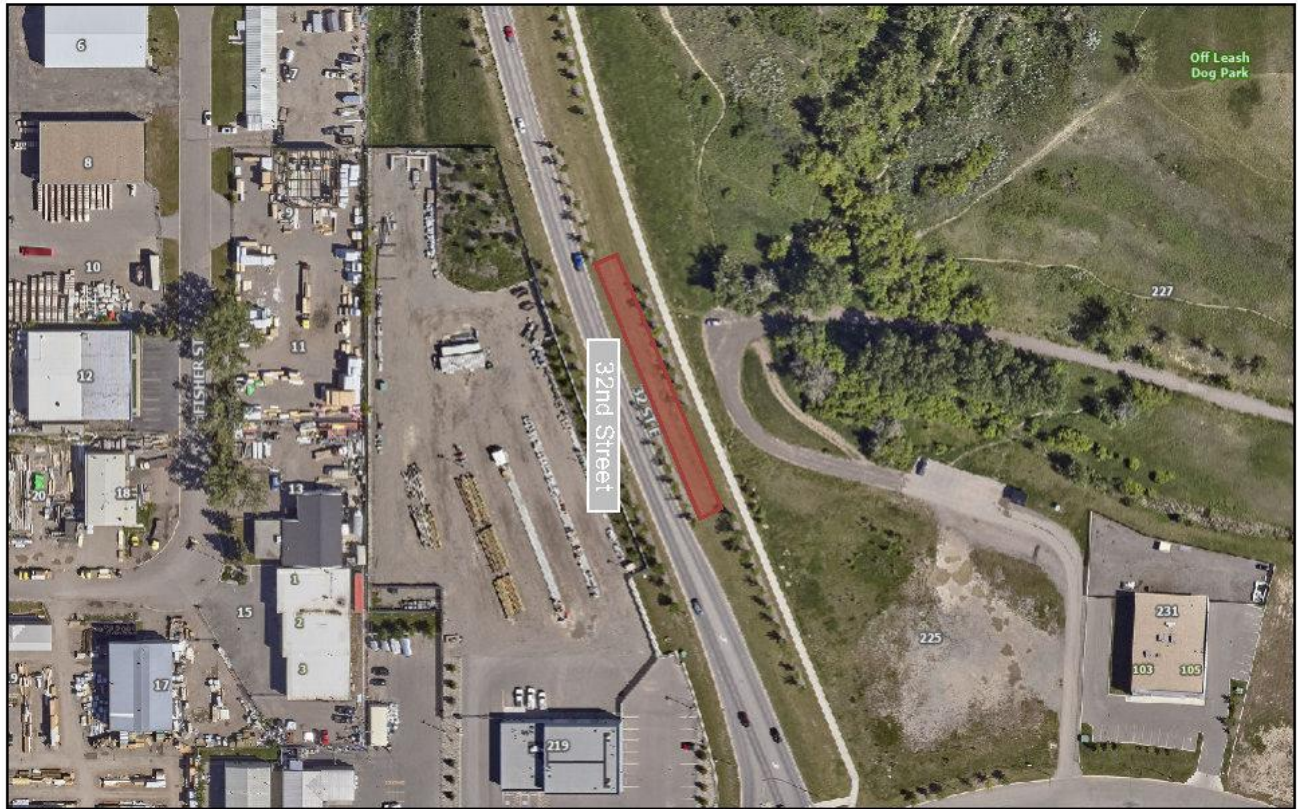
Mayor

---Original Signed---

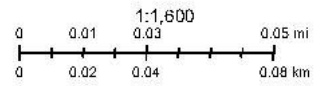
Chief Administrative Officer

SCHEDULE 'A'

Sign Corral #1 - East side of 32 Street north of Don Seaman Way




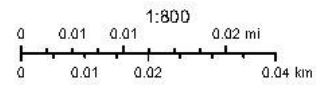
 Sign Corral Location



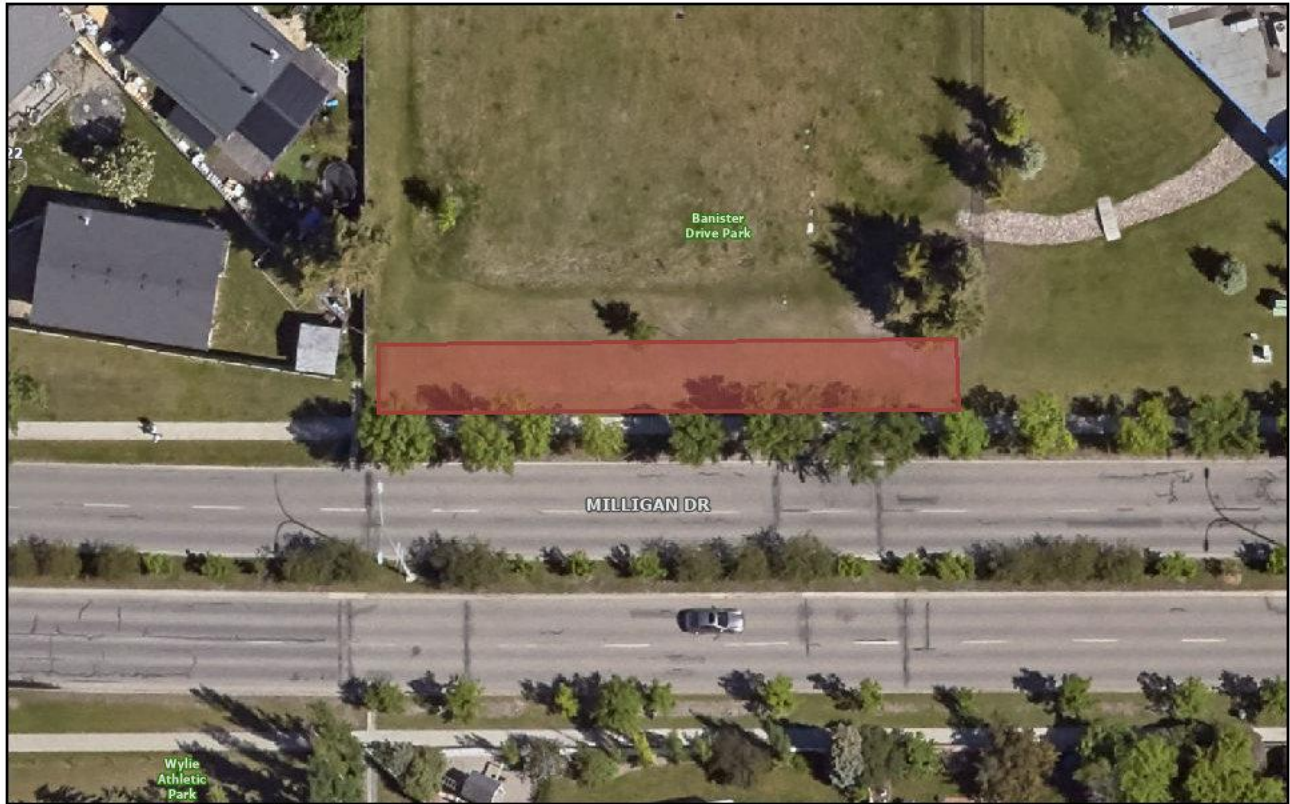
Sign Corral #2 - West side of 32 Street north of Chinook Arch Way




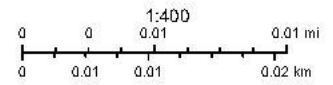
 Sign Corral Location



Sign Corral #3 - North side of Milligan Drive west of Firehall 1



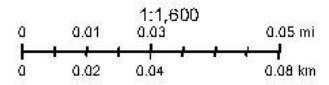
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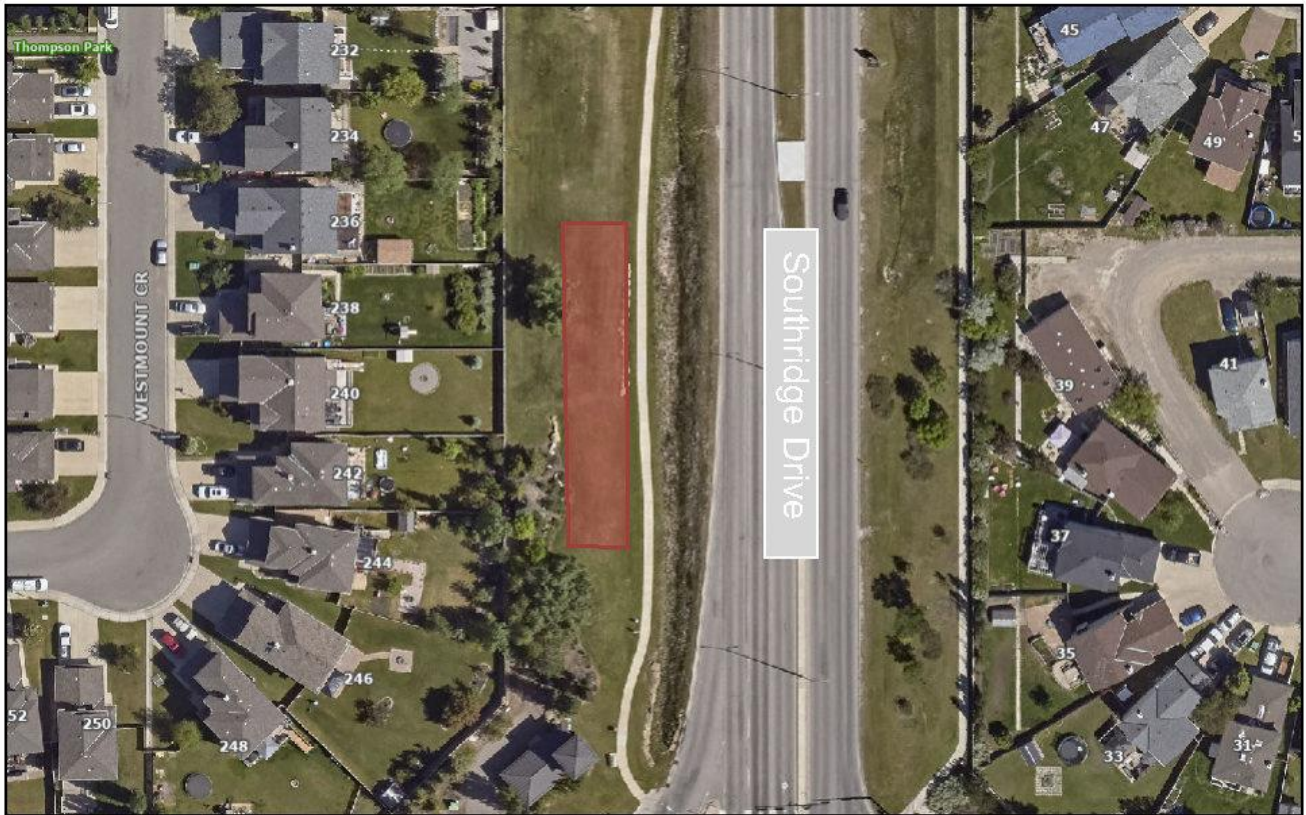
Sign Corral #4 - West of Northridge Drive and south of Northgate Blvd




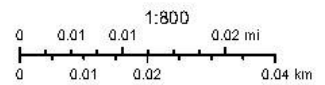
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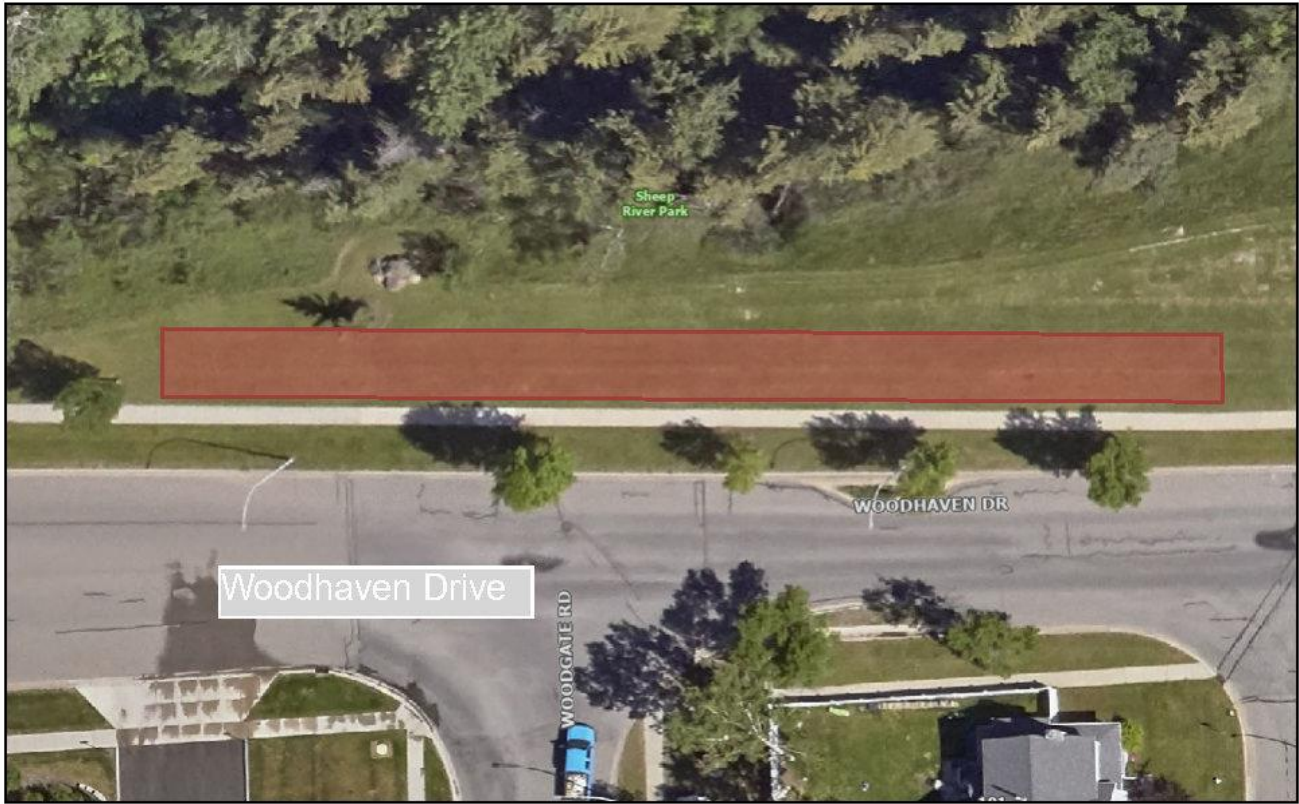
Sign Corral #5 - North of Westland Street and west of Southridge Drive



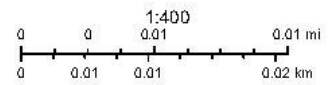
 Sign Corral Location



Sign Corral #6 - North of Woodhaven Drive



 Sign Corral Location



Town of Obolens

SCHEDULE 'B'

SECTION	OFFENCE	PENALTY 1st OFFENCE	PENALTY 2nd and SUBSEQUENT OFFENCES
3.1.1	Place election sign not identifying a political campaign	\$100	\$250
3.1.2	Place election sign that was not manually installed	\$100	\$250
3.1.3	Place election sign that is considered permanent	\$100	\$250
3.1.4	Place election sign that has source of light	\$100	\$250
3.1.5	Place election sign that has moving parts	\$100	\$250
3.1.6	Place election sign that uses the Town logo in whole or in part	\$100	\$250
3.1.7	Place election sign that bears resemblance to traffic control device or signage	\$100	\$250
3.1.8	Place election sign deemed inappropriate or offensive by the CAO	\$100	\$250
4.1	Place election sign in designated sign corral that is larger than the maximum allowable size	\$100	\$250
4.2	Place more than the allowable number of signs in any one (1) single designated sign corral	\$100	\$250
4.3	Place election sign on private land (except commercial or industrial lands) that is larger than the maximum allowable size	\$100	\$250
4.4	Place election sign on commercial or industrial property that is larger than the maximum allowable size	\$100	\$250
5.2	Place election sign on public land outside the designated sign corral	\$100	\$250
5.3	Disturbing markings within sign corrals that have been placed by Alberta One Call	\$100	\$250

5.3	Damage to public land or underground utilities as a result of election sign placement or access to designated sign corral	Actual cost to the Town	Double actual cost to the Town
5.6	Fail to wear reflective vest while placing election signs	\$100	\$250
5.7	Place election sign outside of daylight hours	\$100	\$250
5.8.2	Vehicle used to transport and install election signs parked illegally	\$100	\$250
6.1	Display election signs on public land prior to allowed dates	\$100	\$250
6.1	Fail to remove elections signs on public property within 3 days of the end of election	\$100	\$250
6.2.1	Display election signs on private land prior to allowed dates	\$100	\$250
6.2.2	Fail to remove elections signs on private property within 7 days of the end of election	As established in the Land Use Bylaw	Double the amount established in the Land Use Bylaw
7.1.1	Fail to maintain election signs in designated sign corral	\$100	\$250
7.1.2	Fail to clean up litter in designated sign corral	\$100	\$250
7.1.3	Fail to repair damage due to vandalism, weather, or collision in designated sign corral	\$100	\$250
7.1.4	Fail to do any repair or maintenance as directed by Town	\$100	\$250
7.2	Fail to maintain election signs in designated sign corrals that results in Town disposal	\$100	\$250
7.3	Any election sign placed in contravention of this Bylaw that results in Town impoundment	\$100	\$250
7.4	Fail to remove sign components such as rebar or protruding stakes used to anchor election sign	\$100	\$250