

BYLAW NO. 448-20 Election Sign Bylaw

WHEREAS Sections 7 and 8 of the *Municipal Government Act, RSA 2000 Chapter M-26*, as amended from time to time, Council may pass a bylaw for the safety, health and welfare of people and 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 the Council of the Town of Ponoka in the Province of Alberta hereby enacts a bylaw to regulate Election signs within the Town of Ponoka.

1.0 Title

This Bylaw may be called the "Election Sign Bylaw".

2.0 Definitions

- a. "Candidate" means a person officially nominated as a Candidate at an Election and their authorized agent;
- b. "Council" means the Council of The Town of Ponoka elected pursuant to the *Municipal Government Act*;
- c. "Election" means a Federal, Provincial or Municipal Election, including the School Board Trustee Election, duly conducted within the Town of Ponoka, in the Province of Alberta;
- d. "Election Sign" means any free standing 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;
- e. "Enforcement Officer" means a member of the Royal Canadian Mounted Police, or a Bylaw Enforcement Officer employed by the Town of Ponoka in accordance with the *Municipal Government Act*.
- f. "Land Use Bylaw" means the Land Use Bylaw adopted by the Town of Ponoka pursuant to the *Municipal Government Act*;

BYLAW NO. 448-20

- g. "Polling Place" or "Voting Place" means the entire building where the Election voting will occur and the property associated with the building;
- h. "Provincial Highway" means any highways or Road that is subject to the direction and management of the Province of Alberta by virtue of legislation including but not limited to the *Traffic Safety Act* and the *Highway Development and Protection Act*;
- i. "Public Property" means any parcel of land for which a certificate of title has been issued that is owned or leased by a public organization or government other than the Town of Ponoka;
- j. "Returning Officer" means a person appointed as a returning officer and includes a person acting in the returning officer's place;
- k. "Road" means land shown as a road on a plan of survey that has been filed or registered in a land titles office, or used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road;
- l. "*Sign Owner*" means the Candidate or Person having the use or major benefit of the Election Sign;
- m. "Town" means the municipal corporation of The Town of Ponoka, in the Province of Alberta;
- n. "Town Manager" means the person appointed to be the Chief Administrative Officer of the Town in accordance with Council Bylaw.
- o. "Town Owned Land" means any parcel of land for which a certificate of title has been issued that is owned or leased by the Town of Ponoka for any purpose and includes, but is not limited to parks, public utility lots, parking lots, cemeteries, and recreation facility sites.
- p. "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;

2.0 General Prohibitions and Requirements

- 2.1 Every Sign Owner shall ensure that Election Signs are designed, erected and installed in accordance with the applicable legislation governing the Election including but not limited to, the *Canadian Elections Act* (Federal Elections), *Election Act* (Provincial Elections) and *Local Authorities Election Act* (Municipal and School Board Elections) and this Bylaw.
- 2.2 For Municipal and School Board Elections, Election signs may be erected as of the close of nomination day and shall be removed within 3 calendar days after the closing of polls on Election day. The date of nomination day and the date of Election day shall be pursuant to the Local Authorities Election Act.
- 2.3 For Federal Elections, including By-elections, Election Signs may be erected 50 calendar days prior to Election day and shall be removed within 3 calendar days after the closing of polls on Election day. The date of Election day shall be pursuant to the applicable

BYLAW NO. 448-20

federal legislation.

- 2.4 For Provincial Elections, including By-elections, Election Signs may be erected 28 calendar days prior to Election day and shall be removed within 3 calendar days after the closing of polls on Election day. The date of Election day shall be pursuant to the applicable provincial legislation.
- 2.5 A permit is not required for Election Signs however the Sign Owner must meet the requirements of this Bylaw.
- 2.6 Any person placing or installing an Election Sign that penetrates the ground is expected to know the location of underground utilities, which can be obtained from Alberta One Call, and that person is solely responsible for ensuring that no interference or damage is caused to the underground utilities.
- 2.7 The following types of Election Signs shall not be allowed:
- i) a sign that displays an intermittent flashing, rotating or moving light;
 - ii) a sign that in any way imitates a standard or commonly used highway or Road traffic sign;
 - iii) a sign that is flood-lighted in such a manner as to cause interference to the public or a neighbouring property;
 - iv) a sign that has any moving or rotating parts; and
 - v) a sign that is inflatable.
- 2.8 No person shall at any time nail, tape, staple, tie or otherwise attach an Election Sign, or cause any Election Sign to be nailed, taped, stapled, tied or otherwise attach to or upon utility poles, fire hydrants, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures.
- 2.9 No person shall erect, cause or permit to be erected an Election Sign in any place that may obstruct or impede any vehicle access routes or impede free access of emergency vehicles.
- 2.10 No person shall erect, cause or permit to be erected an Election Sign that may:
- i) obstruct the view of any traffic signal or traffic control device or traffic sign,
 - ii) obstruct visibility at any intersection of Roads or a Road and a railway,
 - iii) obstruct the view of a cross walk, or
 - iv) otherwise obstruct the view of any person operating a vehicle in a manner that may pose a safety hazard.
- 2.11 In addition to Subsections 2.7 through to and including 2.10, Election Signs erected on private property that is located in a Residential District as identified by the Town of Ponoka Land Use Bylaw must:
- i) have permission of the property owner;
 - ii) not overhang the boundaries of the property;
 - iii) not exceed 1.0 m² in sign area;
 - iv) not exceed 1.2 m in sign height;
 - v) be freestanding and secured to prevent being carried offsite by wind; and
 - vi) not present a safety hazard.

BYLAW NO. 448-20

- 2.12 In addition to Subsections 2.7 through to and including 2.10, Election Signs erected on private property that is not located in a Residential District as identified by the Town of Ponoka Land Use Bylaw must:
- i) have permission of the property owner;
 - ii) not overhang the boundaries of the property;
 - iii) not exceed 3.0 m² in sign area;
 - iv) not exceed 2.4 m in sign height;
 - v) be freestanding and secured to prevent being carried offsite by wind; and
 - vi) not present a safety hazard.
- 2.13 In addition to Subsections 2.7 through to and including 2.10, Election Signs erected on Public Property that is not owned or leased by the Town of Ponoka must:
- i) have the permission of the property owner;
 - ii) not overhang the boundaries of the property;
 - iii) not exceed 3.0 m² in sign area;
 - iv) not exceed 2.4 m in sign height;
 - v) be freestanding and secured to prevent being carried offsite by wind; and
 - vi) not present a safety hazard.
- 2.14 Election Signs shall not be placed on any Town Owned Land or land leased by the Town unless otherwise indicated in Schedule A of this Bylaw.
- 2.15 Election Signs may be placed on a Road under the jurisdiction of the Town in the locations indicated in Schedule A of this Bylaw.
- 2.16 In addition to Subsections 2.7 through to and including 2.10, all Election Signs placed in a Road under the jurisdiction of the Town or on Town Owned Land must:
- i) not exceed 3.0 m² in sign area;
 - ii) not exceed 2.4 m in sign height;
 - iii) be setback at least 1.0 m from a curb or edge of road surface where there is no curb;
 - iv) be setback at least 3.0 m from any site access or driveway;
 - v) be setback at least 10 m from any intersection;
 - vi) be setback at least 0.3 m from the edge of any sidewalk, trail or path;
 - vii) be setback at least 3.0 m from any fire hydrant;
 - viii) not be purposefully located so as to obstruct the view of another Candidate's Election Sign; and
 - ix) be limited to one Election Sign per Candidate for each location identified in Schedule A of this Bylaw.
- 2.17 This Bylaw does not apply to Provincial Highways. The placement of Election Signs in Provincial Highways is regulated by Alberta Transportation. The Provincial Highways are shown on Schedule A of this Bylaw for reference purposes only.
- 2.18 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 at any polling place or voting place or display a vehicle sign within 50 metres at any Polling Place or Voting Place.
- 2.19 No person shall deface, remove or wilfully cause damage to a lawfully erected Election Sign.

BYLAW NO. 448-20

- 2.20 The Sign Owner is responsible for ensuring all Election Signs are kept free from damage and disrepair. Sign Owners are responsible to remove or repair any damaged or vandalized Election Sign immediately.
- 2.21 The Sign Owner is liable for any and all damages, loss and expenses resulting from the removal of any Election Sign which is installed or erected in breach of this Bylaw;

3.0 Enforcement

- 3.1 Where an Enforcement Officer or Returning 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.
- 3.2 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 such time period as the Enforcement Officer may direct.
- 3.3 Where the Sign Owner has not removed the Election Sign in accordance with Section 3.2 or where the Enforcement Officer has determined that the Election Sign violates the 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.
- 3.4 The Town of Ponoka shall not be liable for any damage or loss of an Election Sign that was erected or installed in contravention of this Bylaw or that was removed by an Enforcement Officer on the basis that the Election Sign violated this Bylaw or posed a public safety risk.
- 3.5 The specified penalty in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule B of this Bylaw.

4.0 Offences and Penalties

- 4.1 Any person who violates any provision of this Bylaw has committed an offence.
- 4.2 Each Election Sign in contravention of this Bylaw constitutes a separation violation for which a violation ticket may be issued.
- 4.3 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:
- i) issuing a Person a Violation Ticket pursuant to the provisions of Part 3 of the Provincial Offenses Procedure Act; or
 - ii) swearing out an information and complaint against the person.
- 4.4 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 4.3 of this Bylaw, the Enforcement Officer may either:
- i) allow the person to pay the minimum specified penalty established in Schedule B for the offence by including such minimum penalty in the Violation

BYLAW NO. 448-20

- Ticket; or
- ii) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions for Part 3 of the Provincial Offenses Procedure Act.

4.5 No provision of this Bylaw nor any action taken pursuant to any provision of the Bylaw shall in any way restrict, limit, prevent or preclude the Town of Ponoka 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.

5.0 Vicarious Liability

5.1 For the purposes of this Bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person if the act of omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

6.0 Severability

6.1 If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

7.0 Effective Date of Bylaw

This Bylaw shall come into effect upon Third and Final Reading of the Bylaw.

First Reading: December 22, 2020

Second Reading: December 22, 2020

Third Reading: December 22, 2020

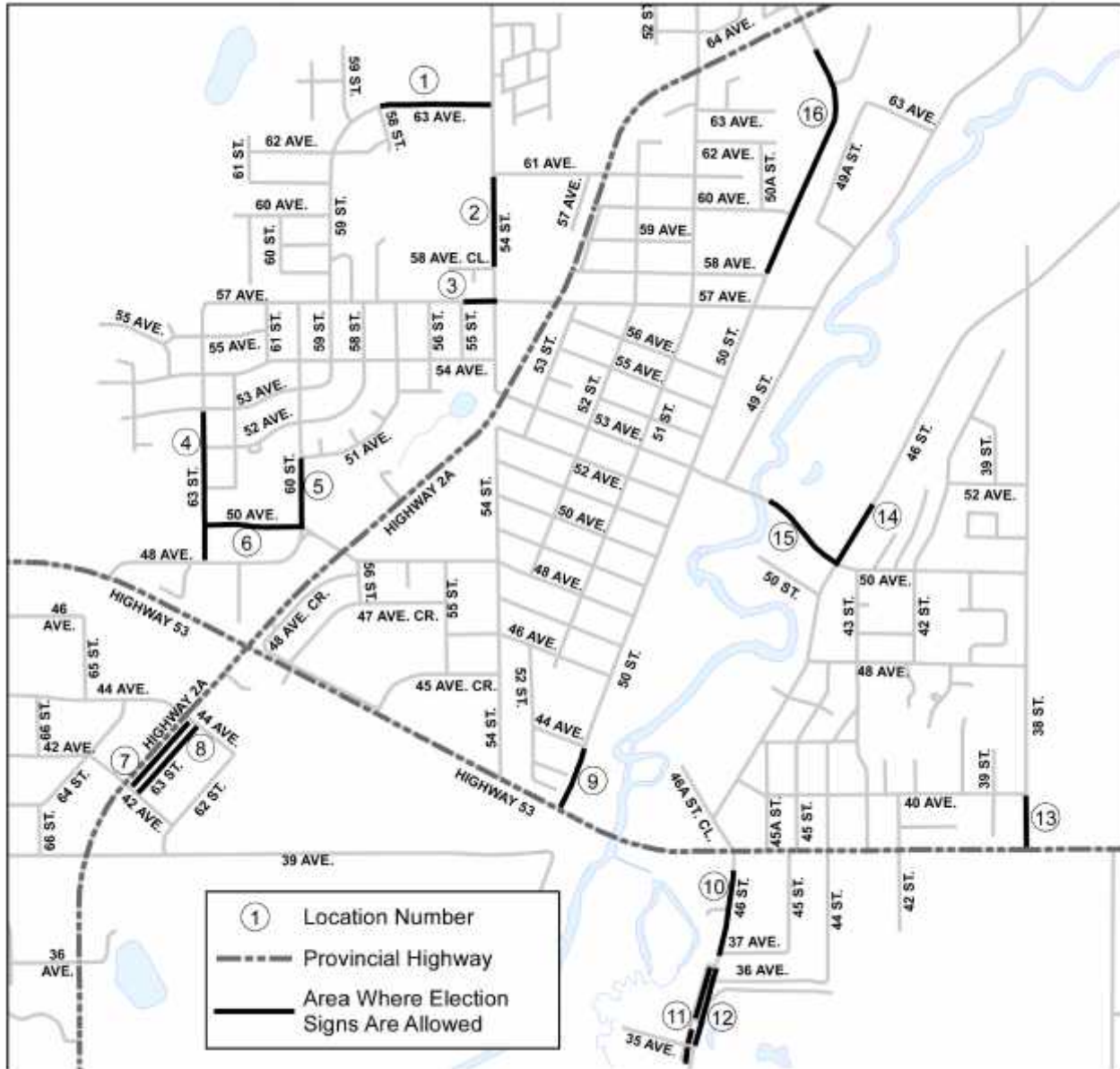
Mayor

Chief Administrative Officer

BYLAW NO. 448-20

SCHEDULE A

Approved Locations on Town Controlled Roads and Town Owned Land



Location Number	Description of Area Where Election Signs Are Allowed
1	North side of 63 Avenue between 54 Street and 58 Street
2	East side of 54 Street between 58 Ave Close and 61 Avenue
3	North side of 57 Avenue between 54 Street and 55 Street

BYLAW NO. 448-20

Location Number	Description of Area Where Election Signs Are Allowed
4	West side of 63 Street between 48 Avenue and 53 Avenue
5	West side of 60 Street between 50 Avenue and 51 Avenue
6	North side of 50 Avenue between 60 Street and 63 Street
7	Town Owned Parcel between 63 Street and Highway 2A
8	West side of 63 Street between 42 Avenue and 44 Avenue
9	West side of 50 Street between Highway 53 and 44 Avenue
10	East side of 46 Street between the south edge of the asphalt parking lot and 37 Avenue
11	Town Owned Parcels on west side of 46 Street between 37 Avenue and 35 Avenue
12	East side of 46 Street between 36 Avenue and 35 Avenue
13	East side of 38 Street between Highway 53 and 40 Avenue
14	West side of 46 Street between 50 Avenue and the driveway on the west side of 46 Street
15	North side of 50 Avenue between 46 Street and the east side of the bridge
16	West side of 50 Street between 58 Avenue and 50m south of Highway 2A

BYLAW NO. 448-20

SCHEDULE B

Penalties

A contravention of any part of this Bylaw:

First Offence	\$150.00
Second Offence	\$250.00
Subsequent Offences	\$350.00