

BYLAW C-8124-2021

A bylaw of Rocky View County to regulate Election Signs installed or erected within Rocky View County.

WHEREAS section 7 of the *Municipal Government Act* authorizes Council to pass bylaws for the safety, health, and welfare of people, and the protection of people and property, as well as for people, activities, and things in, on or near a public place or place that is open to the public;

AND WHEREAS section 8 of the *Municipal Government Act* allows Council to regulate and prohibit, as well as to impose fines and penalties for infractions;

AND WHEREAS, pursuant to section 18 of the *Municipal Government Act*, a municipality has the direction, control, and management of all roads with the municipality;

AND WHEREAS section 13 of the *Traffic Safety Act* authorizes Council to make bylaws with respect to a highway under its direction, control, and management;

NOW THEREFORE the Council of Rocky View County enacts as follows:

Title

- 1 This bylaw may be cited as the *Election Sign Bylaw*.

Definitions

- 2 Words in this bylaw have the same meaning as set out in the *Municipal Government Act* except for the definitions provided in Schedule 'A' of this bylaw.

Purpose & Application

- 3 The 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 and that will be equitably applied and enforced.
- 4 This bylaw applies to elections administered by Rocky View County under the *Local Authorities Election Act*, school board elections under the *Education Act*, and any elections administered by Elections Alberta and Elections Canada within Rocky View County.

Effect

Election Sign Installation and Erection Guidelines on Public Road Right of Ways

- 5 Election signs may only be erected within a road right of way during an election period.
- 6 Election signs within a road right of way must be removed within 72 hours after the close of voting stations or polls on voting day.

- 7 Election signs are permitted to be erected within a road right of way only if the election sign:
- (1) has a maximum sign face of 1.2 metres by 1.2 metres;
 - (2) is below 2.5 metres in height when measured from grade to the highest point of the election sign;
 - (3) indicates the name of a nominated candidate or registered third party;
 - (4) is located 30 metres or more from another election sign promoting the same candidate, or from election advertising from a registered third party;
 - (5) is located 30 metres or more from an approved permanent sign;
 - (6) is located 100 metres or more from a construction site or area marked for construction work;
 - (7) is located 10 metres or more from a fire hydrant;
 - (8) will not interfere with the safe and orderly movement of pedestrians, or with the sightlines between pedestrians and/or vehicles; and
 - (9) is mounted on an A-frame or a stake that is firmly secured in a grassed area.
- 8 Election signs are not permitted to be erected within a road right of way if the election sign would be:
- (1) located within:
 - (a) 90 metres of an intersection with a signal;
 - (b) 30 metres of an intersection without a signal;
 - (c) 30 metres of a merge lane;
 - (d) 4 metres of a curb and/or edge of a roadway;
 - (e) 1 metre of a pathway or trail; or
 - (f) 15 metres of an approach entrance;
 - (2) located on a roadway;
 - (3) supported by string, rope, or wire;
 - (4) affixed in any way on anything located on or within a road right of way including, but not limited to, traffic signal poles, traffic control signs, utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, mailboxes, or other similar fixtures; or

- (5) located at any traffic control device, or where it may obscure or distract from, or be confused with, a traffic control device.
- 9 Election signs are not permitted to be erected in any:
- (1) public park;
 - (2) municipal reserve;
 - (3) environmental reserve;
 - (4) municipal and school reserve;
 - (5) public utility lot; or
 - (6) property owned or occupied by Rocky View County including, but not limited to, the County Hall, cemeteries, fire stations, transfer sites, grader sheds, water treatment plants, wastewater treatment plants, and lift stations.

Election Sign Installation and Erection Guidelines on Private Property

- 10 An election sign may only be placed on private property with the consent of the property owner.
- 11 An election sign placed on private property may have a maximum sign face of 1.2 metres by 1.2 metres.
- (1) Notwithstanding section 11 of this bylaw, all other forms of signage on private property are subject to the requirements of the *Land Use Bylaw*.
- 12 An election sign placed on private property pursuant to this bylaw does not require a development permit.
- 13 Election signs on private property may be erected at any time starting:
- (1) January 1 during the year of a municipal general election;
 - (2) after nomination day for a municipal by-election; or
 - (3) from the issuance of the writ and ending after the close of polls for a provincial or federal election.
- 14 Election signs may be erected starting on the date the election is set by bylaw, or by resolution for a vote on a question or bylaw, and ending at the end of the election.
- 15 Election signs on private property must be removed within 72 hours after the close of the voting station or polls on voting day.
- (1) Subject to section 15 of this bylaw, election signs on private property that are not removed will no longer be deemed an election sign under this bylaw and will be subject to enforcement provisions under the *Land Use Bylaw*.

Other Guidelines

- 16 An election sign may not be erected at a voting station or within the boundaries of the land on which a building used for a voting station is located on election day or an advance vote.
- 17 An election sign may not be erected in any place that may obstruct or impede any exit routes, escape routes, or the free access of emergency vehicles.
- 18 No person may use or display the Rocky View County logo or brand, in whole or in part, on any election sign.
- 19 Nothing in this bylaw relieves a person from complying with any federal or provincial legislation or regulation, other municipal bylaws, or requirement of any lawful permit, order, or license.
- 20 Specific references to legislation in this bylaw is meant to refer to the current laws applicable within the Province of Alberta at the time this bylaw was enacted, as they are amended from time to time, including any successor legislation.
- 21 Where any provision regulating an election sign under this bylaw conflicts with any other federal or provincial election legislation, the federal or provincial legislation prevails to the extent of the conflict.

Enforcement

- 22 Any election sign that impedes or interferes with the work of Rocky View County operations may be removed by an Enforcement Officer or any other County employee without providing notice to the sign owner.
- 23 Any election sign that poses a public safety risk may be removed by an Enforcement Officer or any other County employee without providing notice to the sign owner.
- 24 Any election sign that an Enforcement Officer finds in breach of this bylaw may be removed and impounded without prior notice to the sign owner.
- 25 Any election sign impounded for a period of 30 days that has not been claimed by the sign owner may be destroyed by Rocky View County without compensation to the sign owner.
- 26 A sign owner is liable for any and all damage, loss, and expense caused by or arising from the erection, maintenance, removal, or destruction of the election sign.

Prosecutions and Penalties

- 27 When 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 the person by:
 - (1) issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*; or
 - (2) swearing out an information and complaint against the person.

- 28 When an Enforcement Officer issues a person a violation ticket in accordance with section 27 of this bylaw, the Enforcement Officer may either:
- (1) allow the person to pay the specified penalty established by this bylaw for the offence by including such specified penalty in the violation ticket; or
 - (2) require a court appearance of the person when the Enforcement Officer believes that such an appearance is in the public interest pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
- 29 Any person that violates any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000.00, 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.
- 30 Any person who contravenes any section of this bylaw is guilty of an offence and is liable upon conviction to a minimum and specified penalty of \$100.00.
- 31 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 Rocky View 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.

Severability

- 32 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

Strict Liability Offence

- 33 It is the intention of Council that all offences created by this bylaw are to be interpreted as strict liability offences.

Transitional

- 34 The following bylaws, and any amendments thereto, are repealed upon this bylaw passing and coming into full force and effect:
- (1) Rocky View County Bylaw C-7504-2015, being the *Election Sign Bylaw*;
- 35 Bylaw C-8124-2020, being the *Election Sign Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.



ROCKY VIEW COUNTY

READ A FIRST TIME IN COUNCIL this 26th day of January, 2021

READ A SECOND TIME IN COUNCIL this 26th day of January, 2021

UNANIMOUS PERMISSION FOR THIRD READING this 26th day of January, 2021

READ A THIRD TIME IN COUNCIL this 26th day of January, 2021

Reeve

Chief Administrative Officer or Designate

January 26th, 2021

Date Bylaw Signed

Bylaw C-8124-2021

Schedule 'A' – Definitions

- 1 **“Advance vote”** means a vote taken in advance of election day.
- 2 **“Candidate”** means an individual who has been officially nominated to run for election in a municipal, provincial, federal, or school board election.
- 3 **“Council”** means the duly elected Council of Rocky View County and includes the Reeve, Deputy Reeve, and all Councillors.
- 4 **“County”** means Rocky View County.
- 5 **“County Hall”** means the County Hall located at 262075 Rocky View Point, Rocky View County, Alberta.
- 6 **“Court”** means a court of competent jurisdiction in the Province of Alberta.
- 7 **“Education Act”** means the *Education Act*, RSA 2000, c E-0.3, as amended or replaced from time to time.
- 8 **“Election”** means a general election, by-election, and a vote on a bylaw or question as administered by Rocky View County under *the Local Authorities Election Act*, school board elections under the *Education Act*, and any other elections administered by Elections Alberta and Elections Canada within the municipal boundaries of Rocky View County.
- 9 **“Election advertising”** means canvassing for the benefit of a candidate pursuant to section 162(1)(3) of the *Local Authorities Election Act*.
- 10 **“Election sign”** means a sign
- (1) used to promote a candidate or party for an election administered by Rocky View County under the *Local Authorities Election Act*, school board elections under the *Education Act*, and any elections administered by Elections Alberta and Elections Canada within the municipal boundaries of Rocky View County;
 - (2) with a maximum sign face dimensions not exceeding 1.2 metres (4 feet) by 1.2 metres (4 feet);
 - (3) that is not illuminated; and
 - (4) that indicates the name of a nominated candidate or Registered Third Party.
- 11 **“Election period”** means
- (1) for a federal election or by-election, the period starting from the issuance of the writ and ending after the close of polls;
 - (2) for a provincial election or by-election, the period starting from the issuance of the writ and ending after the close of polls; or

- (3) for a municipal 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 voting stations.
- 12 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, and a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act*.
- 13 **“Environmental reserve”** means land designated as environmental reserve by Rocky View County or the County’s subdivision authority in accordance with the *Municipal Government Act*.
- 14 **“Land Use Bylaw”** means Rocky View County Bylaw C-8000-2020, being the *Land Use Bylaw*, as amended or replaced from time to time.
- 15 **“Local Authorities Election Act”** means the *Local Authorities Election Act*, RSA 2000, c L-21, as amended or replaced from time to time.
- 16 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 17 **“Municipal reserve”** means land designated as municipal reserve by Rocky View County or the County’s subdivision authority in accordance with the *Municipal Government Act*.
- 18 **“Municipal and School Reserve”** means land designated as municipal and school reserve by the County or the County’s subdivision authority in accordance with the *Municipal Government Act*, RSA 2000, c M-26.
- 19 **“Peace Officer Act”** means the *Peace Officer Act*, SA 2006, c P-3.5, as amended or replaced from time to time.
- 20 **“Permanent sign”** means a sign regulated by the *Land Use Bylaw*.
- 21 **“Person”** means a natural person or a corporate body and includes a partnership or a group of persons acting in concert or an association.
- 22 **“Provincial Offences Procedures Act”** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34, as amended from time to time.
- 23 **“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 made-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 publically-operated or operated by other organizations pursuant to arrangements with Rocky View County.
- 24 **“Public utility lot”** means land designated as public utility lot by Rocky View County or the County’s subdivision authority pursuant to the *Municipal Government Act*.

- 25 **“Registered third party”** means a third party that has registered with Rocky View County or the provincial registrar for third party advertising referred to section 163 of the *Local Authorities Election Act*.
- 26 **“Roadway”** 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.
- 27 **“Road Right of Way”** means land that is under the direction, control, and management of Rocky View County and is:
- (1) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
 - (2) 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.
- 28 **“Rocky View County”** means Rocky View County as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- 29 **“Sign Owner”** means 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 sign 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.
- 30 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended from time to time.
- 31 **“Violation ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time.
- 32 **“Voting station”** 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.