

Bylaw No. 2018

BEING a bylaw of the Town of Carstairs of the Province of Alberta to provide for Municipal Election Signage in the Town of Carstairs;

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 of all roads within the municipality;

AND WHEREAS, pursuant to section 18 of the *Municipal Government Act*, a municipality has the direction, control, and management of all roads within 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 the Town of Carstairs in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1 This bylaw shall be known as the Town of Carstairs "Election Sign Bylaw."

2. Purpose & Application

- 2.1 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.
- 2.2 This bylaw applies to elections administered by the Town of Carstairs 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 Town of Carstairs.

3. Definitions

- 3.1 In this Bylaw:
- a. **"Advance Vote"** means a vote taken in advance of election day.
 - b. **"Candidate"** means an individual who has been officially nominated to run for election in a municipal, provincial, federal, or school board election.
 - c. **"Council"** means the duly elected Council of the Town of Carstairs and includes the Mayor, and all Councillors.
 - d. **"Town"** means Town of Carstairs.
 - e. **"Town Office"** means the Town Office located at 844 Centre Street, Carstairs, Alberta.
 - f. **"Court"** means a court of competent jurisdiction in the Province of Alberta.
 - g. **"Education Act"** means the *Education Act, RSA 2000, c E-0.3*, as amended or replaced from time to time.
 - h. **"Election"** means a general election, by-election, and a vote on a bylaw or questions as administered by the Town of Carstairs 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 the Town of Carstairs.
 - i. **"Election advertising"** means canvassing for the benefit of a candidate pursuant to section 162 (1)(d) of the *Local Authorities Election Act*.
 - j. **"Election Day"** means the day fixed for voting at an election.

- k. **"Election sign"** means a sign:
- a. Used to promote a candidate or party for an election administered by the Town under the *Local Authorities Election Act*, school board election under the *Education Act*, and any elections administered by Elections Alberta and Elections Canada within the municipal boundaries of the Town of Carstairs.
 - b. With a maximum sign face dimension not exceeding 1.2 metres (4 feet) by 1.2 metres (4 feet).
 - c. That is not illuminated; and
 - d. That indicates the name of a nominated candidate or Registered Third Party.
- l. **"Election Period"** means:
- a. for a federal election or by-election, the period starting from the issuance of the Writ and ending after the close of polls.
 - b. for a provincial election or by-election, the period starting from the issuance of the Writ and ending after the close of polls: or
 - c. 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.
- m. **"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 the Town of Carstairs in accordance with the *Municipal Government Act*.
- n. **"Environmental reserve"** means land designated as environmental reserve by the Town or the Town's subdivision authority in accordance with the *Municipal Government Act*.
- o. **"Land Use Bylaw"** means the Town of Carstairs Bylaw 2007, being the *Land Use Bylaw*, as amended or replaced from time to time.
- p. **"Local Authorities Election Act"** means the *Local Authorities Election Act, RSA 2000, c-L21*, as amended or replaced from time to time.
- q. **"Municipal Government Act"** means the *Municipal Government Act, RSA 200, c M-26*, as amended or replaced from time to time.
- r. **"Municipal Reserve"** means land designated as municipal reserve by the Town of Carstairs or the Town's subdivision authority in accordance with the *Municipal Government Act*.
- s. **"Municipal and School Reserve"** means land designated as municipal and school reserve by the Town or the Town's subdivision authority in accordance with the *Municipal Government Act, RSA 2000, c M-26*.
- t. **"Peace Officer Act"** means the *Peace Officer Act, SA 2006, 0 P-3.5*, as amended or replaced from time to time.
- u. **"Permanent sign"** means a sign regulated by the *Land Use Bylaw*.
- v. **"Person"** means a natural person or a corporate body and includes a partnership or a group of persons acting in concert of an association.
- w. **"Provincial Offences Procedures Act"** means the *Provincial Offences Procedures Act, RSA 2000, Chapter P-34*, as amended from time to time.
- x. **"Public Park"** means a development of public land specifically designed or reserved for the public 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 Town of Carstairs.
- y. **"Public Utility Lot"** means land designated as public utility lot by the Town of Carstairs or the Town's subdivision authority pursuant to the *Municipal Government Act*.

- z. **“Registered Third Party”** means a third party that has registered with the Town of Carstairs or the provincial registrar for third party advertising referred to section 163 of the *Local Authorities Act*.
- aa. **“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.
- bb. **“Road Right of Way”** means land that is under the direction, control, and management of the Town of Carstairs and is:
 - a. Shown as a road on a plan of survey that has been filed or registered in a land titles office, or;
 - b. Used as 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.
- cc. **“Town of Carstairs”** means the Town of Carstairs as a municipal corporation and the geographical area within its jurisdictional boundaries, as the context requires.
- dd. **“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.
- ee. **“Traffic Safety Act”** means the *Traffic Safety Act, RSA 2000, c T-6*, as amended from time to time.
- ff. **“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.
- gg. **“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.

4. Election Sign Installation and Erection Guidelines on Public Lands

- 4.1 Election signs may not be placed:
 - 4.1.1 On walls, poles, or attached to Electronic Signage;
 - 4.1.2 Within 5 metres on either side of a fire hydrant;
 - 4.1.3 Within 5 metres of any town owned building/facility;
 - 4.1.4 On any Recreation playing fields; so that to impede the use of the area;
- 4.2 Election signs on private property may be erected at any time starting:
 - 4.2.1 45 days prior to a municipal general election;
 - 4.2.2 After nomination day for a municipal by-election; or
 - 4.2.3 From the issuance of the Writ and ending after the close of polls for a provincial or federal election.
- 4.3 Election signs must not be placed in a manner that obstructs signs placed by other candidates.
- 4.4 Election signs shall not be placed within 5 metres of another sign from the same candidate.
- 4.5 Election signs shall not be placed within 2.0 metres from the edge of roadway pavement.
- 4.6 Election signs shall be a maximum of 1.2 metres (4 feet) x 1.2 metres (4 feet) in size and shall not be illuminated.
- 4.7 Enforcement Officers employed by the Town may remove any election signs which have been erected, affixed, posted or placed on any town property in contravention of this bylaw.
- 4.8 Election signs must be placed outside of the 3 metre site triangles at intersections, as shown in “Schedule A”;
- 4.9 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;

5. Election Sign Installation and Erection Guidelines on Private Property

- 5.1 An election sign may only be placed on private property with the consent of the property owner;
- 5.2 An election sign placed on private property shall have a maximum sign face of 1.2 metres (4 feet) x 1.2 metres (4 feet);
- 5.3 Notwithstanding section 5.1 of this bylaw, all other forms of signage on private property are subject to the requirements of the *Land Use Bylaw*;
- 5.4 An election sign placed on private property pursuant to this bylaw does not require a development permit;
- 5.5 Election signs on private property may be erected at any time starting:
 - 5.5.1 45 days prior to a municipal general election;
 - 5.5.2 After nomination day for a municipal by-election; or
 - 5.5.3 From the issuance of the Writ and ending after the close of polls for a Provincial or Federal election.
- 5.6 Election signs on private property must be removed within 72 hours after the close of the voting station or polls on voting day.
- 5.7 Subject to section 5.5 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*.

6. Other Guidelines

- 6.1 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.
- 6.2 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.
- 6.3 No person may use or display the Town of Carstairs logo or brand, in whole or in part, on any election sign.
- 6.4 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.
- 6.5 Specific references to legislation in this bylaw are 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.
- 6.6 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.

7. Enforcement

- 7.1 Any election sign that impedes or interferes with the work of the Town of Carstairs operations may be removed by an Enforcement Officer or any other Town employee without providing notice to the sign owner.
- 7.2 Any election sign that poses a public safety risk may be removed by an Enforcement Officer or any other Town employee without providing notice to the sign owner.
- 7.3 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.
- 7.4 Any election sign impounded for a period of 30 days that has not been claimed by the sign owner, may be destroyed by the Town of Carstairs without compensation to the sign owner.
- 7.5 A sign owner is liable for any and all damage, loss, and expenses caused by or arising from the erections, maintenance, removal, or destruction of the election sign.

8. Prosecutions and Penalties

- 8.1 Where an Enforcement Officer has reasonable grounds to believe that person has contravened any provision of this Bylaw, they may serve upon the person:
 - 8.1.1 A municipal ticket, allowing a voluntary payment of the penalty for the offences to the Town, which shall be accepted by the Town in lieu of prosecution of the offence if payment is received by the Town within 21 days of service of the municipal ticket; or
 - 8.1.2 A violation ticket, allowing a voluntary payment of the specified penalty for the offence, or, requiring a person to appear in court without the alternative of making a voluntary payment, and the recording of the payment of a penalty

made to the Town or the Provincial Court of Alberta shall constitute an acceptance of a guilty pleas and conviction for the offence.

- 8.2 When an Enforcement Officer issues a person a violation ticket in accordance with this bylaw, the Enforcement Officer may either:
- 8.2.1 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
- 8.2.2 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*.
- 8.3 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 of a period not exceeding one year, or to both fine and imprisonment in such amounts.
- 8.4 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.
- 8.5 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 Town of Carstairs 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.

9. Severability

- 9.1 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 jurisdictions, all other provisions of this bylaw remain valid and enforceable.

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

READ A FIRST TIME THE 28TH DAY OF JUNE A.D., 2021.

READ A SECOND TIME THE 28TH DAY OF JUNE A.D., 2021.

READ A THIRD AND FINAL TIME THE 28TH DAY OF JUNE A.D., 2021.


Lance Colby, Mayor


Carl McDonnell, CAO

SCHEDULE 'A'

ILLUSTRATION OF SIGHT LINE

