

**Bylaw # 1879-17
OF THE CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE CITY OF WETASKIWIN IN THE PROVINCE OF ALBERTA FOR THE REGULATION
OF ELECTION SIGNAGE IN THE CITY OF WETASKIWIN**

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, the Municipal Council of the City of Wetaskiwin in the Province of Alberta hereby enacts a Bylaw to regulate election signs within the City of Wetaskiwin.

This Bylaw may be cited as the City of Wetaskiwin "Election Signage Bylaw"

1. DEFINITIONS

For the purposes of this Bylaw, all definitions and interpretations of the *Traffic Safety Act* and *Local Authorities Election Act* and all subsequent regulations shall apply, unless otherwise defined in this Bylaw, as follows:

- A. **"Candidate"** means a person officially nominated as a candidate at an Election and his/her authorized agent;
- B. **"City"** means the City of Wetaskiwin in the Province of Alberta;

- C. **"City Manager"** means the person appointed to be the Chief Administrative Officer of the City in accordance with Council Bylaw;
- D. **"Council"** means the duly elected Council of the City of Wetaskiwin;
- E. **"Court"** means a Court of competent jurisdiction in the Province of Alberta;
- F. **"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, Elections Act, R.S.A. 2000 Chapter E-1, or the *Local Authorities Election Act*, RSA 2000 Chapter L-21;
- G. **"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;
- H. **"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* R.S.A 2006 Chapter p-3.5, and a Bylaw Enforcement Officer employed by the City of Wetaskiwin in accordance with the Municipal Government Act;
- I. **"Highway"** means any thoroughfare, street, road, trail, avenue, parkway, viaduct, 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 vehicle, and includes:
- i. A sidewalk, including a boulevard adjacent to the sidewalk,
 - ii. If a ditch lies adjacent to and parallel to the roadway, the ditch, and
 - iii. If a highway right of way 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 does not include a place declared by regulation not to be a highway.
- J. **"Land Use Bylaw"** Means the City of Wetaskiwin Land Use Bylaw #1804-13, as amended or replaced by Council from time to time;
- K. **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A 2000 Chapter m_26, as amended, repealed or replaced;

- L. **"Person"** means any individual or corporate entity including 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 City of Wetaskiwin in accordance with the Land Use Bylaw and other applicable bylaws;
- O. **"Portable Sign"** means a temporary sign approved by the City of Wetaskiwin in accordance with the Land Use Bylaw or applicable bylaws;
- P. **"Provincial Offences Procedure Act"** means *Provincial Offences Procedure Act*, R.S.A 2000 Chapter P-34, as amended from time to time;
- Q. **"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*, R.S.A. 2000 Chapter T-6, the *Highways Development and Protection Act* R.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. **"Parkland"** means any grassed, cultivated or otherwise improved land used for the purposes of a playground or recreation area, any public park, parkway or square. This definition shall not include golf courses.
- S. **"Returning officer"** means a person appointed as a returning officer and includes a person acting in the returning officer's place;
- T. **"Road Right of Way"** means the area that is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be;
- U. **"Sign Owner"** means the Candidate or Person having the use or major benefit of the Election Sign;
- V. **"Violation Ticket"** means a ticket issued pursuant to Part 2 of the *Provincial Offence Procedures Act*, R.S.A. 2000 Chapter P-34, or as amended from time to time;

2. Guidelines

Federal, Provincial, Municipal or School Election signs must comply with the following:

- A. Election signs may be posted only between
 - i. 12:00 noon on the day when an election is officially called and 24 hours after the closing of polling stations for the municipal and school elections; or
 - ii. 12:00 noon on the day when an election is officially called and 24 hours after the closing of polling stations for federal and provincial elections.
- B. Election Signs erected on private property must:
 - i. have permission of the property owner;
 - ii. not exceed 1.0 sq. m in sign area;
 - iii. not exceed 1.2 m in sign height;
 - iv. be freestanding;
 - v. not present a safety hazard;
 - vi. if signs are larger than prescribed in 2.B.ii. or 2B.iii., be referred to the City of Wetaskiwin's Development department for consideration of approval under the provisions of the City's Land Use Bylaw;
 - vii. not resemble a ballot with a mark in favor of the candidates name with the intent to explain to the voters how to vote.
- C. Election Signs shall not be placed on any City of Wetaskiwin property, occupied or not, nor on highways and road right of ways as determined by this bylaw;
- D. (section removed upon amendment)
- E. (section removed upon amendment)

- F. Every sign owner shall ensure that Elections 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).
- G. No person shall at any time nail, tape, staple, tie or otherwise attach an Election Sign, or cause and Election Sign to be nailed, taped, stapled, tied or otherwise attach to or upon utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures;
- H. 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;
- I. 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;
- J. 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;
- K. No person shall erect, cause or permit to be erected and Election sign on private property without the property owner's consent;
- L. No person shall deface, remove or willfully cause damage to a lawfully erected Elections sign;
- M. 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;
- N. 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. **ENFORCEMENT**

- A. 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;
- B. 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 with 24 hours of receiving the notice or such time period as the Enforcement Officer may direct.
- C. Where the Sign Owner has not removed the Election Sign in accordance with section "B" 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;
- D. The City of Wetaskiwin 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;

4. **OFFENCES AND PENALTIES**

- A. Any person who violates any provision of this Bylaw has committed an offence.
- B. Each Election Sign in contravention of this Bylaw constitutes a separate violation for which a violation ticket may be issued.
- C. 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 net exceeding one year, or both fine and imprisonment in such amounts;
- D. 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 proceeding 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.
- E. Where an Enforcement Officer issues a Person a Violation ticket in accordance with section 4(D) of this bylaw, the Enforcement Officer may either:
 - i. Allow the person to pay the minimum and specified penalty established in Schedule "A" for the offence by including such minimum penalty in the Violation 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 of Part 3 of the Provincial Offenses Procedure Act.
- F. 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 City of Wetaskiwin 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. **VICARIOUS LIABILITY**

For the purpose 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 or 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. **SEVERABILITY**

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. **TRANSITION AND EXECUTION**

- A. This Bylaw shall repeal Bylaw No. 1416-98 and amendments thereto on the date of final passing.

This Bylaw shall come into full force and effect on the date of final passing.

Read a first time this 23rd day of May, 2017.

Read a second time this 12th day of June, 2017.

Read a third time this 12th day of June, 2017.

ORIGINAL SIGNED

MAYOR

ORIGINAL SIGNED

CITY MANAGER

SCHEDULE "A"
SCHEDULE OF FINES

The description used for each offense listed in this schedule exists solely for purposes of identifying and referencing and referencing the particular offense listed in the Bylaw, and shall not be construed as limiting or altering any provision or offence identified in the text of the Bylaw itself.

Offense	Section	Specified Penalty
2(a)(i)	Erect sign prior to 12:00 noon when election is called(municipal or school)	\$150.00
2(a)(ii)	Erect sign prior to 12:00 noon when election is called(Federal or Provincial)	\$150.00
2(b)(i)	Place sign on private property without consent of owner	\$150.00
2(b)(ii)	Sign exceed 1.0m	\$150.00
2(b)(iii)	Sign exceed 1.2 metres in height	\$150.00
2(b)(iv)	Sign not free standing	\$150.00
2(b)(v)	Sign presents safety hazard	\$150.00
2(b)(vii)	Sign resembles ballot	\$150.00
2(c)	Sign placed on City of Wetaskiwin property or a highway or roadway	\$250.00
2(g)	Sign attached to prohibited items	\$150.00
2(h)	Sign impedes exit/escape routes	\$250.00
2(i)	Sign obstruct view of traffic signals/signs	\$250.00
2(j)	Signs at polling station on Election day	\$150.00
2(k)	Sign on private property without consent	\$150.00
2(l)	Willfully deface/remove/cause damage to sign	\$250.00
2(m)	Sign owner fail to remove damaged/vandalized sign	\$150.00