

**TOWN OF DRUMHELLER
BYLAW NUMBER 13.21**

A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA FOR THE REGULATION OF ELECTION SIGNAGE

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 Drumheller 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 Town of Drumheller in the Province of Alberta hereby enacts a Bylaw to regulate election signs within the Town of Drumheller.

1.0 SHORT TITLE

1.1 This Bylaw may be cited as the Town of Drumheller “Election Signage Bylaw”

2.0 DEFINITIONS

- 2.1 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.
- 2.2 “candidate” means a person officially nominated as a candidate at an Election and their authorized agent;
- 2.3 “council” means the duly elected Council of the Town of Drumheller;
- 2.4 “court” means a Court of competent jurisdiction in the Province of Alberta;
- 2.5 “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;

- 2.6 “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;
- 2.7 “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 Town of Drumheller in accordance with the Municipal Government Act;
- 2.8 “highway” means any thoroughfare, street, road, trail, avenue, parkway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicle, and includes:
- (a) a sidewalk, including a boulevard adjacent to the sidewalk;
 - (b) if a ditch lies adjacent to and parallel to the roadway, the ditch and;
 - (c) 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;
- 2.9 “Land Use Bylaw” Means the Town of Drumheller Land Use Bylaw 16.20, as amended or replaced by Council from time to time;
- 2.10 “Municipal Government Act” means the Municipal Government Act, R.S.A 2000 Chapter m-26, as amended, repealed or replaced;
- 2.11 “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.
- 2.12 “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;
- 2.13 “polling place” or “voting place” means the entire building where the Election voting will occur and the property associated with the building.
- 2.14 “permanent sign” means a permanent sign approved by the Town of Drumheller in accordance with the Land Use Bylaw and other applicable bylaws;

- 2.15 “portable sign” means a temporary sign approved by the Town of Drumheller in accordance with the Land Use Bylaw or applicable bylaws;
- 2.16 “Provincial Offences Procedure Act” means Provincial Offences Procedure Act, R.S.A 2000 Chapter P-34, as amended from time to time;
- 2.17 “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;
- 2.18 “returning officer” means a person appointed as a returning officer and includes a person acting in the returning officer’s place;
- 2.19 “sign owner” means the Candidate or Person having the use or major benefit of the Election Sign;
- 2.20 “town” means the municipality of the Town of Drumheller.
- 2.21 “violation ticket” means a ticket issued pursuant to Part 2 of the Provincial Offense Procedures Act, R.S.A. 2000 Chapter P-34, or as amended from time to time;

3.0 GENERAL PROHIBITIONS AND REQUIREMENTS

- 3.1 Excluding 3.5(f), this Bylaw is to be considered the sole authority in the Town.
- 3.2 Every Sign Owner shall ensure that Election Signs are designed, erected and installed in accordance with the applicable Alberta legislation 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), Alberta Transportation and this Bylaw.
- 3.3 Federal, Provincial, Municipal or School Election signs may be posted only between:
- (a) 12:00 noon on the day when an election is officially called and 3 days after the closing of polling stations for the municipal and school elections; or
 - (b) 12:00 noon on the day when an election is officially called and 3 days after the closing of polling stations for federal and provincial elections.
- 3.4 No person shall erect, cause or permit to be erected an Election sign on private property without the property owner’s consent;

3.5 Election Signs erected on private property must:

- (a) have permission of the property owner;
- (b) not exceed 1.0 sq. metres in sign area;
- (c) not exceed 1.2 metres in sign height;
- (d) be freestanding;
- (e) not present a safety hazard;
- (f) if signs are larger than prescribed in 3.5(b) or 3.5(c), be referred to the Town of Drumheller's Development department for consideration of approval under the provisions of the Town's Land Use Bylaw;
- (g) not resemble a ballot with a mark in favor of the candidates' name with the intent to explain to the voters how to vote.

3.6 The following types of Election Signs shall not be allowed:

- (a) a sign that displays an intermittent flashing, rotating or moving light;
- (b) a sign that in any way imitates a standard or commonly used highway or Road traffic sign;
- (c) a sign that is floodlit or backlit in such a manner as to cause interference to the public or a neighbouring property;
- (d) a sign that has any moving or rotating parts; and
- (e) a sign that is inflatable.

3.7 Election Signs will not be placed on any Town of Drumheller owned or leased property, occupied or not. These signs shall be removed.

3.8 No person shall at any time nail, tape, staple, tie or otherwise attach an Election Sign, or cause an Election Sign to be nailed, taped, stapled, tied or otherwise attached to or upon utility poles, light poles, utility boxes, trees, planters, benches, waste receptacles, newspaper boxes, mailboxes or other similar fixtures;

3.9 No person shall erect, cause or permit to be erected an Election Sign in any place

- (a) that may obstruct or impede any exit routes or escape routes or impede free access of emergency vehicles;
- (b) that may obstruct the view of any traffic signal, or sign;

- (c) resemble any regulated traffic sign or signal as defined in 3.6(b), or obstruct the view of any person operating a vehicle which otherwise may pose a safety hazard;
- 3.10 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;
- 3.11 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.
- 3.12 No person shall deface, remove or willfully cause damage to a lawfully erected Elections sign;
- 3.13 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;
- 3.14 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;

4.0 ENFORCEMENT

- 4.1 Where an Enforcement Officer has determined a sign poses a public safety risk, it shall be removed immediately and notice given to the sign owner
- 4.2 Where an Enforcement Officer has determined that the Election Sign violates this Bylaw they shall give notice to the sign owner to remove it. 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. Signs not removed within 24 hours of notice may be removed by the Enforcement Officer.
- 4.3 The Town of Drumheller 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;
- 4.4 This Bylaw does not apply to Provincial Highways. The placement of Election Signs in Provincial Highways is regulated by Alberta Transportation.

5.0 OFFENCES AND PENALTIES

- 5.1 Any person who violates any provision of this Bylaw has committed an offence.
- 5.2 Each Election Sign in contravention of this Bylaw constitutes a separate violation for which a violation ticket may be issued.
- 5.3 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 proceeding against such Person by:
- (a) issuing a Person a Violation Ticket pursuant to the provisions of Part 3 of the Provincial Offenses Procedure Act;
- 5.4 Where an Enforcement Officer issues a Person a Violation ticket in accordance with section 5.2 of this bylaw, the Enforcement Officer may either:
- (a) allow the person to pay the specified penalty established in **Schedule "A"** for the offence by including such minimum penalty in the Violation Ticket; or
 - (b) 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.
- 5.5 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 Drumheller 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.

6.0 VICARIOUS LIABILITY

- 6.1 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.

7.0 SEVERABILITY

- 7.1 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.

8.0 TRANSITIONAL

8.1 Bylaw 13.21 shall come into full force and effect on the date of final passing.

READ THE FIRST TIME ON THE 21st DAY OF JUNE, 2021

READ THE SECOND TIME ON THE 28th DAY OF JUNE, 2021

READ THE THIRD TIME AND PASSED ON THE 28th DAY OF JUNE, 2021

The original document, duly signed and executed, is retained on file.

SCHEDULE "A" SCHEDULE OF FINES

The description used for each offense listed in this schedule exists solely for purposes of identifying 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.

Specified Penalty Per Offence

Offense	Specified Penalty
First	\$ 100
Second	\$ 150.00
Subsequent	\$ 250.00