

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1281-23**

**ELECTION SIGN BYLAW**

WHEREAS Sections 7 and 8 of the *Municipal Government Act*, R.S.A 2000, c M-26, as amended, authorize a 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*, R.S.A. 2000, c M- 26, as amended, a municipality has the direction, control and management of all roads within the municipality;

AND WHEREAS Section 13 of the *Traffic Safety Act*, R.S.A. 2000 c T-6, as amended, authorizes a 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;

AND WHEREAS the City of Spruce Grove wishes to regulate election signs within the City of Spruce Grove;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts as follows:

**1. ELECTION SIGN BYLAW**

1.1 This bylaw is called the "Election Sign Bylaw".

**2. DEFINITIONS**

2.1 "Ballot" means the part of a printed or electronically produced ballot card on which indicates the office to be voted on, the names of the Candidates, the bylaw name and number or questions if any, and containing the spaces in which the elector is to mark their vote.

2.2 "Black Waste Cart" means a black wheeled receptacle owned and supplied by the City for the automated collection and disposal of garbage.

- 2.3 "Boulevard" means that part of the road right of way, between the curb and the property line that provides for street infrastructure, utilities and seasonal snow storage.
- 2.4 "Candidate" means an individual who has been nominated to run for an Election in the City and their authorized agent.
- 2.5 "City" means the municipal corporation of the City of Spruce Grove in the Province of Alberta or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.
- 2.6 "Election" means a federal, provincial, municipal or school board general election or by-election held pursuant to the *Canada Elections Act*, S.C. 2000, c 9, as amended, the *Election Act*, R.S.A. 2000, c E-1, as amended, or the *Local Authorities Election Act*, R.S.A. 2000, c L-21, as amended.
- 2.7 "Election Sign" means any sign including all portions such as the device, fixture, structure, legs and frame on Public or Private Property used in relation to a Candidate, party, or vote on a question or bylaw:
- (a) for a municipal election held pursuant to the LAEA;
  - (b) for a vote on a question or bylaw held pursuant to the LAEA;
  - (c) for an election for School Trustee held pursuant to the *School Act*, R.S.A. 2000, c S-3, as amended;
  - (d) for a federal election held pursuant to the *Canada Elections Act*; or
  - (e) for a provincial election held pursuant to the *Election Act*.
- 2.8 "Election Writ Day" means no earlier than 36 days before polling day pursuant to the *Canada Elections Act*, S.C. 2000, c 9, as amended, or 28 days before election day for a provincial election pursuant to the *Election Act*, R.S.A. 2000, c E-1, as amended.
- 2.9 "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or allowed to use for the passage or parking of vehicles, and includes:
- (a) a sidewalk, including a Boulevard adjacent to the sidewalk;

- (b) if a ditch lies adjacent to or parallel with 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 land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.
- 2.10 “LAEA” means the *Local Authorities Election Act*, R.S.A. 2000, c L-21, as amended.
- 2.11 “Median” means a physical barrier or area that separates lanes of traffic travelling on a Highway.
- 2.12 “Nomination Day” means 4 weeks before election day for a municipal and school board election, pursuant to the *Local Authorities Election Act*, R.S.A. 2000, c L-21, as amended.
- 2.13 “Non-Residential Area” means an area within the City of Spruce Grove not zoned as residential as set out in the City’s Land Use Bylaw.
- 2.14 “Owner”, in relation to an Election Sign, means any person:
- (a) whose name and/or other identifiable information appears on an Election Sign;
  - (b) who is deemed to be in lawful control of an Election Sign; or
  - (c) who is the subject of and benefits from the message of an Election Sign.
- 2.15 “Peace Officer” means a Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c P-3.5, as amended.
- 2.16 “Private Property” means any property within the City not owned by, occupied, leased or under the jurisdiction of the City, Government of Alberta or Government of Canada.
- 2.17 “Property Owner” means the registered owner of property in the City and in the case of public Highways within the City means the City of Spruce Grove.

- 2.18 “Public Property” means any property within the City owned by, occupied, leased or under the jurisdiction of the City, Government of Alberta or Government of Canada, with the exception of a Highway.
- 2.19 “Sign Face Area” means the entire area of an Election Sign, measured to the outer perimeter of the Election Sign, but does not include the supports, where applicable.
- 2.20 “Street Furnishing” means poles, waste receptacles, benches, transit shelters, fire hydrants, plants, utilities, planters, bicycle racks, mail boxes, or other similar property placed or located on a Highway.
- 2.21 “Vehicle Sign” means any form of Election Sign including but not limited to a vehicle wrap, magnetic sign, or painted image that may be affixed to a vehicle or trailer.
- 2.22 “Violation Ticket” means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended.
- 2.23 “Voting Station” means a place where an elector votes.

### **3. ELECTION SIGNS – GENERAL REGULATIONS**

- 3.1 Candidates shall:
- (a) ensure that Election Signs are securely erected; and
  - (b) remove any damaged or vandalized Election Signs within 24 hours of notification of the damage or vandalism by the City or another party.
- 3.2 The Election Sign Bylaw applies to Election Signs as outlined in section 4. All other Election Signs outside the time period identified in the Election Sign Bylaw, must comply with the City’s Land Use Bylaw, as amended or other applicable municipal bylaws.
- 3.3 Candidates shall be obligated to comply with parking restrictions outlined in the City’s Traffic Bylaw, as amended, when erecting or removing Election Signs.
- 3.4 Election Signs placed on the ground shall be:
- (a) mounted on a portable frame structure;

- (b) mounted on a wire frame; or
- (c) mounted on a metal or wood stake installed to a maximum depth of 30 cm below grade.

3.5 Candidates shall ensure Election signs:

- (a) placed on the ground are securely affixed to the ground; or
  - (b) placed on a private fence or private building as noted in sections 5.4 and 5.5 are securely affixed to the private fence or private building,
- so they remain upright at all times.

3.6 If driving stakes into the ground, Candidates shall contact the appropriate authorities (e.g., entities such as Utility Safety Partners) to ensure it is safe to do so in that location.

#### **4. ELECTION SIGN TIMING**

4.1 Election Signs may be erected on Public Property by or on behalf of a Candidate participating in any Election, no earlier than 12:01 a.m. on a Nomination Day or Election Writ Day.

4.2 Election Signs with a maximum height of 1m (3.28 ft) from the ground to the top of the sign may be erected on Private Property, by or on behalf of a Candidate participating in any Election 60 calendar days prior to Election Day.

4.3 Election Signs may be erected:

- (a) on private fences and private building external walls up to a maximum height of 2.43 m (8 ft) measuring the entire Election Sign structure; and
- (b) on or in the ground on Private Property in Non-Residential Areas up to a maximum height of 2.43 m (8 ft) from the ground to the top of the Election Sign,

by or on behalf of a Candidate participating in an Election, no earlier than 12:01 a.m. on a Nomination Day or Election Writ Day.

- 4.4 Election Signs shall be removed within five (5) calendar days after the Election.

**5. ELECTION SIGN SIZE AND LOCATIONS**

- 5.1 Elections Signs are permitted on Private Property, with the consent of the Property Owner.
- 5.2 Election Signs on Private Property, with the exception of Election Signs on private fences and on the external walls of private buildings, shall:
- (a) have a maximum Sign Face Area of 0.6 m<sup>2</sup> (6.45 ft<sup>2</sup>);
  - (b) have a maximum height of 1m (3.28 ft.) measured from the ground to the top of the sign.
- 5.3 Notwithstanding any provision of this Bylaw, the maximum allowable height of an Election Sign placed on the ground shall be 2.43 m (8 ft) measured from the ground to the top of the sign.
- 5.4 Election Signs on private fences and private building external side shall:
- (a) have a maximum Sign Face Area of 3 m<sup>2</sup> (32.29 ft<sup>2</sup>); and
  - (b) have a maximum height of 2.43 m (8 ft) measuring the entire Election Sign structure.
- 5.5 Election Signs on Private Property in Non-Residential Areas and placed in or on the ground shall:
- (a) have a maximum Sign Face Area of 3 m<sup>2</sup> (32.29 ft<sup>2</sup>); and
  - (b) have a maximum height of 2.43 m (8 ft) from the ground to the top of the Election Sign.
- 5.6 Election Signs on a Boulevard shall have a maximum Sign Face Area of 3 m<sup>2</sup> (32.29 ft<sup>2</sup>).
- 5.7 Candidates shall place Election Signs with a minimum spacing distance of 30 m (98.43 ft) between the same Candidate's signs along the Boulevards

and Medians. This minimum spacing distance does not apply to Election Signs placed in the opposing Boulevards along the Highway.

- 5.8 Election Signs shall not be located within 15 m (49.2 ft) of the property line of the parcel of land the Voting Station is located on during an advance vote or on election day.
- 5.9 Vehicle Signs shall have a maximum size of 1.5 m<sup>2</sup> (16.15 ft<sup>2</sup>) and shall not be permitted within 15 m (49.2 ft) of a Voting Station property line during an advanced vote or on election day.
- 5.10 Election Signs greater than 1 m (3.28 ft) in height shall not be located:
  - (a) within 30 m (98.43 ft) of a signalized intersection;
  - (b) within 15 m (49.2 ft) of any other intersection; or
  - (c) within 3 m (9.84 ft) of the curb.
- 5.11 Notwithstanding anything else in this Bylaw, Election Signs shall have a physical design that minimizes danger to persons or property to the greatest extent reasonably practicable.

## 6. **PROHIBITIONS**

- 6.1 Election Signs shall not:
  - (a) be illuminated;
  - (b) display an intermittent flashing, rotating or moving light or have moving parts;
  - (c) have balloons or inflatable devices attached to or near them;
  - (d) be attached to Private Property or Public Property trees;
  - (e) interfere with the safe and orderly movement of pedestrians or with the sight lines between pedestrians and/or vehicles;
  - (f) be located on any traffic control device or where it obscures, detracts from, or could be confused with a traffic control device;

- (g) be placed on any physical Highway structure (bridges, guardrails, retaining walls, or concrete barriers);
  - (h) be located on Highways (including paved shoulders, traffic circles, or traffic islands);
  - (i) be placed in Medians on Highway 16A or McLeod Avenue between King Street and Calahoo Road;
  - (j) be placed upon or within any City-owned facility including the site upon which the facility is situated, including the Boulevard surrounding the property line of the City-owned facility;
  - (k) be placed on any fences or Street Furnishing owned by the City
  - (l) be placed in a school or playground zone, or in a park or playground owned by the City;
  - (m) have an appearance similar to a Ballot;
  - (n) exceed 3 m<sup>2</sup> (32.29 ft<sup>2</sup>) in Sign Face Area;
  - (o) have more than two (2) Sign Face Areas; or
  - (p) be placed or erected in a manner that creates a danger to persons or property.
- 6.2 No person may willfully take down, cover up, deface, or otherwise damage an Election Sign that has been lawfully placed or erected.
- 6.3 Candidates shall not place or erect, cause or permit to be placed or erected an Election Sign on Private Property without the Property Owner's consent.
- 6.4 Candidates shall not use the City's logo, election logo or seal on any Election Sign, in any campaign advertising, or in any campaign material including but not limited to signs, brochures, social media, or websites.

## **7. RECYCLING ELECTION SIGNS**

- 7.1 Non-recyclable material from Election Signs must be disposed in the Black Waste Cart or in the garbage bins at the Eco Centre, located at 50



Diamond Avenue. Recyclable materials from Elections Signs can be recycled at the Eco Centre.

## 8. **ENFORCEMENT**

8.1 Any Election Sign that:

- (a) poses an imminent danger to persons or property;
- (b) impedes or interferes with City operations; or
- (c) contravenes this Bylaw or any other bylaw or enactment,

may be removed and disposed of by a Peace Officer without prior notice or compensation to the Owner.

8.2 Any Election Sign impounded, and which has not been claimed by the Owner within ten (10) calendar days after the Election may be destroyed by the City without compensation to the Owner.

8.3 A person shall not interfere with or attempt to obstruct a Peace Officer who is removing an Election Sign pursuant to this Bylaw.

8.4 The Owner of an Election Sign shall be liable to the City for any and all damage, loss, and expense of the City caused by or arising from the installation, maintenance or removal of the Election Sign.

8.5 Upon removal of an Election Sign pursuant to section 8.1 of this Bylaw, if the contravening Election Sign is re-erected, the Owner of the Election Sign is guilty of an offence.

8.6 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable:

- (a) to a specified penalty of \$115.00; or
- (b) upon summary conviction, to a minimum penalty of \$115.00.

8.7 Any person who commits a second or subsequent offence under any provision of this Bylaw is liable on summary conviction to a penalty that is no less than double the amount set out in Section 8.6.

**9. SEVERABILITY**

9.1 Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remaining provisions shall remain valid and enforceable.

**10. EFFECTIVE DATE**

10.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

First Reading Carried	13 May 2024
Second Reading Carried	13 May 2024
Third Reading Carried	27 May 2024
Date Signed	27 May 2024

\_\_\_\_\_  
Mayor

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City Clerk

### SCHEDULE A - ELECTION TIMING AND SIGN SIZE

	<b>Relevant Bylaw Section</b>	<b>Election Sign Timing</b>	<b>Sign Face Area (maximum)</b>	<b>Sign Height (maximum)</b>
Election Sign on the Ground of Public Property	4.1 & 5.3	12:01 a.m. Nomination Day or Election Writ Day	n/a	2.43m (8 ft) (from ground to top of sign)
Election Sign on the Ground of Private Property	4.2 & 5.2	60 days prior to Election Day	0.6m <sup>2</sup> (6.45 ft <sup>2</sup> )	1m (3.28 ft) (from ground to top of sign)
Election Sign on the Ground Private Property in Non-Residential Area	4.3 & 5.5	12:01 a.m. Nomination Day or Election Writ Day	3 m <sup>2</sup> (32.29 ft <sup>2</sup> )	2.43m (8 ft) (from ground to top of sign)
Election Sign on Private Fence	4.3 & 5.4	12:01 a.m. Nomination Day or Election Writ Day	3 m <sup>2</sup> (32.29 ft <sup>2</sup> )	2.43m (8 ft) (entire Election Sign structure)
Election Sign on Private Building	4.3 & 5.4	12:01 a.m. Nomination Day or Election Writ Day	3 m <sup>2</sup> (32.29 ft <sup>2</sup> )	2.43m (8 ft) (entire Election Sign structure)
Election Sign on Ground in Boulevard	4.1 & 5.8	12:01 a.m. Nomination Day or Election Writ Day	3 m <sup>2</sup> (32.29 ft <sup>2</sup> )	2.43m (8 ft) (from ground to top of sign)
Election Sign on Ground in Median	4.1 & 5.10 (c)	12:01 a.m. Nomination Day or Election Writ Day	n/a	1m (3.28 ft) (from ground to top of sign)