

City of Chilliwack

Bylaw No. 3899

A bylaw to provide for the regulation of election signs

WHEREAS Section 908 of the *Local Government Act*, Sections 8(4) and 65 of the *Community Charter*, and Section 120 of the *Motor Vehicle Act* authorize Council to regulate signs;

AND WHEREAS the City of Chilliwack wishes to allow the use of election signs for political communications while preventing visual pollution and ensuring public safety;

The Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Election Sign Bylaw 2013, No. 3899**”.

INTERPRETATION

2. Unless otherwise specified in this Bylaw, the definitions in the City of Chilliwack “Sign Bylaw 2004, No. 3005” and “Highway and Traffic Bylaw 2004, No. 3023”, in force from time to time, shall apply to this Bylaw.
3. In this Bylaw, “election sign” means any sign used to promote a candidate or party during a municipal, provincial or federal election, or any election held pursuant to the *Local Government Act*.
4. For greater clarity, the definitions of “sign” and “election sign” include signs and election signs displayed on vehicles, and such signs are not exempt from any permit requirements in this or any other Bylaw.

GENERAL PROHIBITIONS AND REQUIREMENTS

5. This Bylaw applies only to election signs.
6. Election signs are exempt from the City of Chilliwack “Sign Bylaw 2004 No. 3005”, in force from time to time, except as provided elsewhere in this Bylaw.
7. Election signs must be maintained so as to be clean and in a good state of repair.
8. *Candidates posting their individual* election signs must display their name and contact information. (AB#4027)
9. *Third party sponsors are required to display the name and contact information of the sponsor on all election signs.* (AB#4027)
10. Except as provided elsewhere in this Bylaw, an election sign must not:
 - (1) be located on a balcony or roof of a building;
 - (2) be lit, electrified, animated, moving, or flashing;

- (3) have attachments such as balloons, kites, an electronic message centre or inflatable devices;

ELECTION SIGNS

- 11.** Every candidate in an election wishing to post or display an election sign shall, prior to posting or displaying any sign, make application to the City Clerk for an election sign Permit attached hereto as Schedule “A” and forming part of this Bylaw, and shall at the time of application deposit \$500.00 with the City as security for the cost of removal.
- 12.** Private property owners must ensure that election signs on their property are removed within 10 days after the local polls have closed for that election.
- 13.** Every candidate who posts or displays an election sign on civic property shall remove the sign within 10 days after the election notwithstanding, if the person fails to remove the sign, the sign shall be removed by the City and the cost incurred for the removal shall be recovered from the deposit made pursuant to Section 10.
- 14.** Election signs shall only be posted or displayed during the election period pertaining to the sign and subject to the following restrictions:
 - (1) Pursuant to the *Local Government Act*, no person shall display or distribute a sign at or within 100 metres of a building, structure or other place where voting proceedings are being conducted at the time.
 - (2) No person shall post, display or distribute a sign at or within 100 metres of City Hall.
 - (3) No person shall attach or affix a sign to any tree, utility pole, lamp standard or traffic control device.
 - (4) No person shall post or display a sign on or near a public highway in any manner which obstructs motorist visibility.
 - (5) Election signs shall be limited to two sides with a maximum copy area of 3m² per side and not exceeding a height of 2.5 metres, except where such signs are on permitted billboards erected in accordance with “Sign Bylaw 2004 No. 3005”, in force from time to time.

ELECTION SIGNS ON HIGHWAYS

- 15.** In the case of an election sign on or over a highway, the election sign must conform with the requirements of “Highway and Traffic Bylaw 2004, No. 3023”, in force from time to time, including the requirement for a Highway Works Permit, and is exempt from the requirement to obtain an election sign Permit.
- 16.** In addition to the requirements of “Highway and Traffic Bylaw 2004, No. 3023”, in force from time to time, no election sign shall obscure the line of sight from a street, lane, or sidewalk to oncoming traffic for pedestrians or motorists. Specifically, election signs shall not be placed:

- (1) within 6 m of an intersection or pedestrian crosswalk;
- (2) within 1.5 m of the edge of the travelled portion of a street, curb, or sidewalk;
- (3) on road rights of way designated as school or playground zones;
- (4) within 250 m of an intersection on the Trans-Canada Highway; or
- (5) in any manner that causes signs to block, interfere with, or be affixed to any authorized traffic sign, traffic signal or traffic control device, power pole, or lamppost.

17. A person shall not place an election sign on the following highways:

- (a) the Trans-Canada Highway;

18. Notwithstanding any other provisions of this Bylaw, copy may be inserted on lawfully existing billboards or other permanent signs, which would make that existing sign meet the definition of an election sign, provided that the copy is removed within ten (10) days after the election.

ENFORCEMENT POWERS

19. The Building Inspector, the Engineer in the case of election signs on highways, or a Bylaw Enforcement Officer, is hereby empowered to:

- (1) enter at all reasonable times on any property subject to the regulations of this Bylaw to ascertain whether the regulations or directions are being observed;
- (2) order a person who is contravening any of the provisions of this Bylaw to comply with such provisions within a time period specified within the order;
- (3) order the immediate removal or effect the removal and impoundment of any election sign erected without a permit;
- (4) order the removal of any election sign or part thereof on public property, erected in contravention of any of the provisions of this Bylaw;
- (5) order the removal or dismantling of any election sign or part thereof on private property, which has been the subject of an order under Subsection 15(3) which has not been complied with, and the time period in the order has passed; and,
- (6) revoke a permit issued under Bylaw if:
 - (a) there is a contravention of this Bylaw;
 - (b) the permit was issued in error;
 - (c) the permit was issued on the basis of incorrect information; or,
 - (d) any fees required to be paid under this Bylaw are not paid.

20. Any election sign that impedes or interferes with the work of a City operation may be removed and disposed of by the City employee, officer or agent affected, without notice to the owner of the sign.

21. Any election sign impounded for a period of 14 days which has not been claimed by the owner may be destroyed without compensation by the City to the owner.

PROSECUTION AND PENALTIES

22. An owner of an election sign shall be liable for any and all damage, loss and expense caused by or arising from the erection, maintenance or removal of the sign.
23. Any person who contravenes any provision of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of an offence and is liable upon conviction to a fine not exceeding \$2,000.00 and in default of payment to imprisonment for a period not exceeding 6 months, or both. A separate offence is committed on each and every day during which the contravention continues. Conviction in respect of one particular violation shall not operate as a bar to further prosecution if the contravention continues.
24. If any portion, section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of the Bylaw.

Received first reading on the 19th day of March, 2013.

Received second reading, as amended, on the 3rd day of December, 2013.

Received third reading, as amended, on the 3rd day of December, 2013.

Reconsidered, finally passed and adopted on the 17th day of December, 2013.

Amendment Bylaw No. 4027, adopted on the 2nd day of July, 2014.

“Sharon Gaetz”

Mayor

“Delcy Wells”

Clerk

Schedule “A”

APPLICATION FOR ELECTION SIGN PERMIT

Name of Candidate: _____

Name of Political Party (if applicable): _____

Address: _____

Phone No. _____

Description of Signs: _____

Deposit: \$ 500.00

I, the undersigned, being the registered political candidate or party promoted by the above described signs, hereby apply for a permit to erect these above signs on private and City property in the City of Chilliwack in accordance with this Bylaw, and assume responsibility for any damage or loss that may be caused to the City, myself, or any third party by the election signs. In addition, I agree to indemnify the City for any loss or damage caused to any third party by the erection and placement of these election signs.

I agree to remove these election signs within 10 days after the election to which they pertain. In the event that I fail to do so, I understand that the City may remove the said election signs and I shall bear the costs of such removal, to be deducted from this deposit.

Date: _____ Signature of Applicant _____