

**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

**A BYLAW TO REGULATE THE INSTALLATION OF ELECTION SIGNS  
WITHIN THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.**

**WHEREAS**, sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto, provide that a Council may pass a bylaw for municipal purposes that regulate matters affecting the safety, health and welfare of people and the protection of people and property, or in relation to people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS**, the Council wishes to exercise its authority pursuant to the Municipal Government Act by regulating the installation and placement of Election Signs on public roads, highways, and other areas or properties that are under the Town's direction, control and management, and to prevent the unrestrained proliferation of Election Signs that may create hazardous situations affecting pedestrians and motorists, while maintaining effective dissemination of Candidates' information to the electorate;

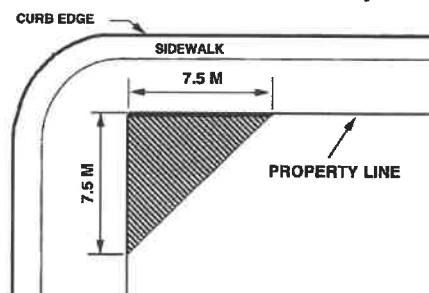
**NOW THEREFORE** the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

1.1. This Bylaw may be cited as the "Election Signs Bylaw".

**2. DEFINITIONS**

- 2.1. "Act" means the *Municipal Government Act*, R.S.A. 2000 M-26, as amended;
- 2.2. "Bylaw" means a Bylaw of the Town of Black Diamond;
- 2.3. "Candidate" means an individual or Political Party who is nominated to run for Election and whose name appears on Election Signs.
- 2.4. "Chief Administrative Officer" or "CAO" means the person appointed by the Council of the Town of Black Diamond to carry out the power, duties and functions of the CAO. It may also mean a person appointed to this position on an interim basis, or a person to whom the CAO has delegated their authorities to, in accordance with the Town of Black Diamond Chief Administrative Officer Bylaw.
- 2.5. "Corner Visibility Triangle" means a triangular area formed on the corner site by the two street property lines and a straight line which intersects them 7.5m (25 ft.) from the corner where they meet. (*See illustration*).



**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

- 2.6. “*Council*” means the Council of the Town of Black Diamond;
- 2.7. “*Election*” means a federal, provincial or municipal general Election or by-election and includes a School Board Trustee Election, a Senator Election or a vote on a question to be conducted in accordance with the relevant order of government’s legislation.
- 2.8. “*Election Campaign*” means an organized effort to create awareness of a Candidate, Political Party or campaign issue during an Election;
- 2.9. “*Election Day*” shall mean the date declared as Election Day for any Election, and shall not include any dates set for advance polls or other Election activities.
- 2.10. “*Election Sign(s)*” means any sign announcing or supporting a Candidate, Political Party, campaign issue or response to a vote on a question in connection with any Election including federal, provincial, municipal and school board general elections and by-elections;
- 2.11. “*Highway*” means any thoroughfare, street, road, trail, avenue, parkway, driveway, 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 vehicles, that are under the direction, control and management of the Town of Black Diamond, as defined under the *Traffic Safety Act*, R.S.A., 2000, c-T-6;
- 2.12. “*Peace Officer*” means the person employed for the purposes of preserving and maintaining the public peace, as defined under section 1(j) of the *Police Act*, R.S.A. 2000, c. P-17.
- 2.13. “*Police Officer*” means an individual who is a member of the Royal Canadian Mounted Police, as defined under section 1(k)(ii) of the *Police Act*, R.S.A. 2000, c. P-17.
- 2.14. “*Private Land*” means any part of the land or structure owned by or leased from a private individual, group or corporation;
- 2.15. “*Public Land*” means any part of the land, building or structure that are publicly-owned and within the boundaries, direction, control and management of the Town of Black Diamond, and includes a Highway Right of Way;
- 2.16. “*Town*” means the Corporation or the Town of Black Diamond.
- 2.17. “*Traffic Control Device*” means any sign, signal, marking or device placed, marked or erected under the authority of the *Traffic Safety Act* for the purpose of regulating, warning or guiding traffic.

**3. GENERAL**

- 3.1. Candidates are expected to be respectful and courteous of both the public and other candidates when displaying Election Signs, preserving the democratic process of elections.
- 3.2. Reports received by the Town of Election Signs being taken down illegally will be referred to the concerned Candidate, or their official agent, and they shall be responsible for taking any steps to address any possible related Election offences.
- 3.3. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other

**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

- 3.4.** Within the text of this bylaw:
- a) Use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
  - b) Use of the singular shall include the plural and the plural shall include the singular, as the context requires.
- 3.5.** References in this Bylaw to any statute, regulation or other Bylaw refer to the current laws at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

**4. INSTALLATION ON PUBLIC LAND**

- 4.1.** Seven (7) site locations have been approved for the installation of Election Signs on Public Land, as follows, and as shown in Schedule 'A' of this Bylaw:
- a) North and South sides of Highway 7 (Centre Avenue East) from 6<sup>th</sup> Street SE to 1st Street SE unless otherwise prohibited by this Bylaw;
  - b) Southwest corner of Centre Avenue East and 1<sup>st</sup> Street SE;
  - c) South side of Highway 22 (Centre Avenue West), west of 5<sup>th</sup> Street SW;
  - d) East side of 3<sup>rd</sup> Street SW, between 6<sup>th</sup> Avenue SW and Riverwood Close SW;
  - e) West side of 3<sup>rd</sup> Street SW, between 6<sup>th</sup> Avenue SW and the north side of the pathway adjacent to the property known as 701 3<sup>rd</sup> Street SW;
  - f) Government Road from 6<sup>th</sup> Avenue SW to Willow Ridge Blvd SW on both the east and west sides of Government Road;
  - g) South side of 4<sup>th</sup> Avenue SE between Maplewood Drive SE and the lane east of 1<sup>st</sup> Street SE.
- 4.2.** Election Signs may not be installed on identified site locations sooner than 30 days prior to an Election Day and must be removed within three (3) days after Election Day.
- 4.3.** Candidates will be provided with equal opportunities, therefore, candidates will each be allowed to install one (1) Election Sign within a 50m space per site location, as identified in section 4.1 and Schedule "A".
- 4.4.** Several of the site locations, identified in section 4.1 and Schedule "A" are the locations of pre-existing, permanent Town of Black Diamond signage. Candidates, if choosing to install Election Signs on these site locations, must ensure that their signage does not obstruct either physical access to, or visibility of, the permanent signage.
- 4.5.** Any person installing an Election Sign that penetrates the ground is expected to know the location of underground utilities, by contacting Alberta One Call. The installer is solely responsible for ensuring that no interference or damage is caused to any underground utilities or infrastructure.

**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

- 4.6. Election Signs are not permitted in any parks, playgrounds or greenspaces, and may not be installed within two (2) metres of the edge of pavement or the shoulder of an unpaved road.
- 4.7. Election Signs may not be installed on, or cause any obstruction to, a sidewalk or pathway.
- 4.8. No Election Signs shall be installed or placed that obstruct a motorist's view. The Corner Visibility Triangle must be adhered to when installing Election Signs at an intersection.
- 4.9. Election Signs shall not be mounted on highway signs or sign posts or on any Traffic Control Device.
- 4.10. Election Signs shall not be placed in or within 500m of construction zones.
- 4.11. Election Signs must be installed securely enough to prevent hazards to pedestrians, motorists and surrounding areas, but must be easy to remove without causing damage to Public Land. Any damage arising from the installation or removal of the Election Signs shall be dealt with in accordance with section 7 of this Bylaw.

**5. INSTALLATION ON PRIVATE LAND**

- 5.1. The installation of Election Signs on Private Land is permitted only with the consent of the owner or lessee.
- 5.2. Election Signs on Private Land must not cause obstruction to or impede vehicle or pedestrian traffic.
- 5.3. Election Signs on Private Land are subject to the standards for size and style as set in section 6.

**6. SIZE AND STYLE STANDARDS OF ELECTION SIGNS**

- 6.1. All Election Signs, whether on Public Land or Private Land, are considered to be temporary signs and as such a Development Permit is not required.
- 6.2. The maximum size of Election Signs will be 1.5m<sup>2</sup>.
- 6.3. The maximum height of an Election Sign shall be 2 metres.
- 6.4. The following types of Election Signs are prohibited pursuant to the *Highways Development and Protection Regulation, Alta Reg 326/2009*:
  - a) any sign that displays an intermittent flashing, rotating or moving light;
  - b) any sign that is flood-lighted in a way that causes a visual distraction to the motoring public;
  - c) any sign that has any moving or rotating part;
  - d) any sign that imitates the wording of a standard or commonly used highway traffic sign, such as "stop", "stop ahead" or "yield"; or
  - e) any sign that imitates or resembles the visual appearance of a traffic control device or highway traffic sign.

**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

**7. MAINTENANCE AND DAMAGE**

- 7.1. Throughout the Election Campaign, the Candidate is responsible for maintaining the Election Signs including general litter management.
- 7.2. Maintenance of Election Signs includes, but is not limited to, removal or replacement of vandalized, weather-damaged or otherwise deteriorated Election Signs.
- 7.3. Candidates will be notified, in writing or by electronic means, by a Peace Officer, Police Officer or other person duly authorized to enforce this Bylaw, to remove Election Signs that are not maintained in a reasonable manner within 24 hours from receipt of notice.
- 7.4. Election Signs installed on Private Land are also required to be properly maintained by the owner or lessee thereof. Failure to maintain the Election Signs in a reasonable manner, resulting in damage to Public Land or to any person shall be dealt with in accordance with this Bylaw.
- 7.5. The Candidate or the owner/lessee of a Private Land shall be liable for damage, loss or expense to underground utilities, Public Land, or to any person or Private Land caused by or arising from the installation, maintenance or complex removal of Election Signs.

**8. ENFORCEMENT, REMOVAL AND DISPOSAL**

- 8.1. Town of Black Diamond Peace Officers, Police Officers and other persons duly delegated by the Chief Administrative Officer are authorized to enforce the regulatory provisions of this Bylaw.
- 8.2. Candidates shall be notified, in writing or by electronic means, by the Peace Officer, Police Officer or other person duly authorized to enforce this Bylaw, to remove all Election Signs installed, without consent, on properties not included in the site locations as identified in section 4.1 and Schedule "A".
- 8.3. All notices to restore or remove Election Signs on the grounds of either improper maintenance or installation outside the approved site locations shall also serve as first notice of violation, with a reminder to the Candidate that a repetition of the same shall result in the automatic removal of the Election Signs without prior notice.
- 8.4. Any person found, by a Peace Officer, Police Officer or by a person duly authorized to enforce this Bylaw, to be installing Election Signs outside of the site locations, as identified in section 4.1 and Schedule "A", shall be prohibited to proceed with the installation and shall be reminded that a repetition of the same will result in the confiscation of the Election Signs.
- 8.5. When the removal of an Election Sign placed or installed on any of the site locations identified in section 4.1 and Schedule "A" is necessary to give way to work done by the Town's employees or contractors, the Peace Officer, Police Officer or person duly authorized to enforce this Bylaw shall notify the responsible Candidate in writing or by electronic means, to take down the Election Sign within 24 hours from receipt of notice. If the work is required to

**BYLAW 2021-11  
TOWN OF BLACK DIAMOND**

be undertaken without delay as a matter of public safety, the Town may remove the signs immediately and contact the Candidate to pick them up.

- 8.6. Failure of the Candidate to take the necessary action within the period stated in any of the notices as mentioned in this Bylaw, will result in the automatic removal of the Election Sign by the Peace Officers, Police Officers or persons duly authorized to enforce this Bylaw.
- 8.7. Election Signs collected will be stored at a Town of Black Diamond facility. Candidates will be notified in writing or by electronic means to arrange for pickup of Election Signs. Election Signs not picked up within ten (10) days of Election Day will be disposed of by the Town.

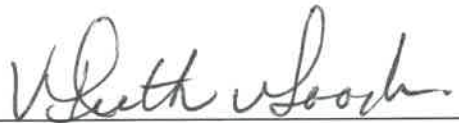
**9. EFFECTIVE**

- 9.1. This Bylaw will take force and effect upon third and final reading and signing thereof.

**READ A FIRST TIME** this 7<sup>th</sup> day of July A.D. 2021.

**READ A SECOND TIME** this 7<sup>th</sup> day of July A.D. 2021.

**READ A THIRD AND FINAL TIME** this 21<sup>st</sup> day of July A.D. 2021.

  
MAYOR

  
LEGISLATIVE SERVICES MANAGER

  
Date signed








# Bylaw 2021-11 Election Signs



## LEGEND

-  Public Land
-  Election Sign Approved Zone
-  Election Sign Location