

BYLAW NO. 18/2006

BEING A BYLAW TO REGULATE SIGNING ERECTED ON PUBLIC LANDS AND DIRECTIONAL SIGNING FOR COMMERCIAL DEVELOPMENT WITHIN THE HIGHWAY RIGHT OF WAY AND ADJACENT TO HIGHWAYS WHICH ARE UNDER THE JURISDICTION/CONTROL/OWNERSHIP OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31.

NOW THEREFORE THE COUNCIL OF THE MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the “Temporary Signs on Highways Bylaw”.

Interpretation

2. In this Bylaw,
 - (a) “Boulevard” means that part of the highway that
 - (i) is not a roadway, and
 - (ii) is that part of the Sidewalk that is especially adapted to the use of or ordinarily used by pedestrians
 - (b) “Bylaw Enforcement Officer” means any person designated as such pursuant to Bylaw No. 87/99
 - (c) “Community Association Sign” means a sign which is used by a community association to advertise community meetings or events;
 - (d) “Community Identification Sign” means a sign which states the name of a residential community area and may contain a logo or symbol which is related to the community name;
 - (e) “Crosswalk” means;
 - (i) That part of a roadway at an intersection included within the connection of the lateral lines on the sidewalks on the opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - (ii) That part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or by other markings on the road
 - (f) “Development Authority” means the development authority provided for by Council from time to time pursuant to Section 624 of the Municipal Government Act to exercise development powers;
 - (g) “Development Permit” means a document issued under the M.D.’s Land Use Bylaw;
 - (h) “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 Authorities Election Act, S.A. 1983. c.L-27. 5*;
 - (i) “Garage Sale” means the sale of personal or household goods from a residential property;

- (j) “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, under the jurisdiction and enforcement within the Municipality, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes,
 - (i) a sidewalk (including the Boulevard portion of the sidewalk);
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - (iii) if a highway right of way is contained between fences or between the fence and the edge of the roadway, as the case may be;
- (k) “Intersection” means the area embraced within the prolongation or connection of,
 - (i) the lateral curb lines or, if none,
 - (ii) the exterior edges of the roadways of two or more highways which join one another at an angle whether or not one highway crosses the other;
- (l) “Median” means a physical barrier or area that separates traffic traveling In one direction from traffic traveling in the opposite direction on a highway;
- (m) “Municipality” means the local government authority incorporated as the Municipal District of Foothills No. 31;
- (n) “Municipal Manager”, “Municipal Engineer” or “Director of Public Works and Engineering” means the person or persons employed by the Municipality with the title or responsibilities associated with such title;
- (o) “Municipal Property” means structures, equipment or things owned by the Municipality and which are on highways;
- (p) “Owner” is any Person who is described on a sign, whose name or address or telephone number appears on a sign, who created a sign, who installed a sign, who is in lawful control of a sign or who is the subject of or otherwise benefits from the message of a sign, and for the purposes of this bylaw there may be more than one owner of a sign;
- (q) “Person” means a natural person or a body corporate and includes a partnership, a group of Persons acting in concert or an association;
- (r) “Post” means a piece of wood, metal, etc set upright to support a building, sign or fence.
- (s) “Poster” means a sign which is not self-supporting and is attached with its entire back surface in contact with a post, pole, wall or other structure and is secured by tape, glue, staples or other means;
- (t) “Poster Board” means a structure along certain streets within the Municipality for the purpose of posting bills, notices and posters.
- (u) “Road” means that part of the highway intended for use by vehicular traffic;
- (v) “Sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb or edge of the roadway and the adjacent property line, whether or not paved or improved;

- (w) “Sign” means an inscribed board, bill, placard, post, poster, banner, flag or device which is intended to promote anything or inform anyone;
- (x) “Standard Street Light Pole” means a circular or octagonal street light pole that is either metal or wood with the luminaries facing downwards;
- (y) “Temporary Sign” means a sign which is not permanently anchored to the ground or affixed to a building, advertising for a limited time goods, services or activities and which by their nature, could readily be relocated to serve a similar purpose in another location. These include garage sale signs, banners, portable signs, pennants, signs advertising a demonstration of agricultural methods and signs announcing the sale of goods or livestock on land not normally used for commercial purposes;
- (z) “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected under the authority of the Traffic Safety Act R.S.A. 2000, Chapter T-6, for the purpose of regulating, warning or guiding traffic;
- (aa) “Traffic Island” means a physical barrier or strip of land which channels traffic into a specific route or controls turns at an intersection or provides refuge to protect and aid pedestrians crossing a highway or aids in loading or unloading transit riders;
- (bb) “Traffic Signal Pole” means any pole with an electronic or illuminated traffic control device attached to it.

General Prohibitions and Requirements

- 3. (1) This bylaw applies to signs placed on highways but does not apply to signs permitted by Municipal District of Foothills No. 31 Bylaw 01/99, Section 10.11.0 (Land Use Bylaw) and amendments thereto.
- (2) Except as provided in this bylaw, a person shall not place a sign on a highway which;
 - (a) obstructs a traffic control device;
 - (b) is lit or electrified
 - (c) is a hazard or dangerous to vehicular or pedestrian traffic,
 - (d) is inflatable,
 - (e) is displayed for more than fourteen consecutive days or more than 24 hours following the date any advertised event concludes, whichever is less,
 - (f) is within 30 meters of an intersection;
 - (g) is within 2 meters of a curb or edge of any road;
 - (h) is permanently affixed;
 - (i) is supported by string, rope, wire or metal stakes and has a sign face larger than 0.6 square meters
 - (j) displays an intermittent, flashing or rotating light;
 - (k) is illuminated by a flood light in such a manner as to cause interference or create a hazard to the motoring public
 - (l) has any moving or rotating parts
 - (m) bears a legend giving a command such as “stop, stop ahead, turn, caution ...” etc. or any legend that in any way imitates a standard or commonly used traffic control device;
 - (n) is internally lit for use at night;

- (o) contains irrelevant information such as business telephone number, product prices or business slogans,
 - (p) is within a corner visibility triangle, which is defined as a triangular area formed on a corner site by the two curb lines and a straight line which intersects them 7.5 meters from the corner where they meet, as defined in the Land Use Bylaw;
 - (q) is attached to a rural post office box.
- (3) Except as provided in this Bylaw, a Person shall not;
- (a) attach a sign to any sound attenuation wall;
 - (b) attach a sign to any standard street light pole or traffic signal pole;
 - (c) attach a sign to any decorative street light pole;
 - (d) permit a sign to cause any damage to municipal property;
 - (e) allow a sign to become unsightly;
 - (f) place a sign on or within any traffic island median
 - (g) place a sign within 10 meters of a crosswalk that is not located at an intersection;
 - (h) place a sign on a fire hydrant.
 - (i) place a sign on a bridge
- (4) A person who places or posts a sign shall legibly state on the sign:
- (a) the name of an owner of the sign and the address and phone number of the owner, and the development approval number
 - (b) the date of posting of the sign
 - (c) sign ownership label shall not exceed 8 cm x 13 cm.
- (5) All signs fabricated for private or business use, for placement adjacent to a municipal highway system are to be well designed, attractive and professional looking in general appearance. Standard sign fabrication practices and methods are to be used in the production of the signs including the use of standard letter shapes and styles. Signs may be fabricated using any type of material but the material selected must remain in good condition for the intended life of the sign
- (6) All signs must comply with all requirements of the MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 Land Use Bylaw 01/99 and amendments thereto.

Prohibited Areas

4. (1) A person shall not place a sign on a highway under the jurisdiction and control of the local authority.
- (a) Except for Posters attached to poles or Standard Street Light Poles in accordance with Section 5.

Posters

5. (1) Notwithstanding Sections 3(2) (g) and 3(3) (b) but subject to Section 5, a person is permitted to attach a poster to a pole or a Standard Street Light Pole that;
- (a) No more than one poster, per owner, is placed on a single pole or Standard Street Light Pole; and

- (b) Posters shall only be attached to a pole or a Standard Street Light Pole with clear adhesive tape or securable plastic banding
- (c) Permission is granted from the owner of the pole.

Garage Sales

6. Notwithstanding any other provision of this bylaw, an owner or occupant of a residence who holds a garage sale may only display in accordance with this bylaw a maximum of three signs for the purpose of advertising the garage sale and only on the day prior to and on the day of the garage sale

Authorized Signs

7. (1) A person shall not cause a sign to be attached to or be within 30 meters of a school bus zone, etc. without the written consent of the development authority.
- (2) A person shall not place a sign above a street or on or within a pedestrian walkway or any other overpass without the written permission of the development authority.

Election Signs

8. (1) Notwithstanding Section 3(2) (e), an election sign may be displayed for more than 14 days, but a person shall not permit an election sign to be displayed for more than 36 hours after the local polls have closed for that election.
- (2) Notwithstanding Section 3(2) (i) an election sign shall not exceed 3.0 square meters

Community Identification Signs and Community Association Signs

9. (1) The location, size, design and character of a community identification sign shall be to the satisfaction of and approved by the Development Approving Authority.
- (2) Approval for a community identification sign will be given for a maximum of 10 years. Renewal of an approval of an existing community identification sign is a new application
- (3) Community Identification Signs are allowed provided the Sign:
- (a) is for community identification purposes only;
 - (b) displays no third party advertising; and
 - (c) is constructed of maintenance free material
- (4) Prior to approval of a community identification sign, the owner of such sign shall deliver to the Municipality in a form to the satisfaction of the Municipality, a development agreement that provides that the owner shall:
- (a) Maintain the sign for the approval period;
 - (b) Indemnify the Municipality against any claim made against the Municipality by reason of the existence of the community identification sign;

- (c) remove the community identification sign on 30 days notice where required by the Municipality for a municipal purpose; and
 - (d) where approval of an existing community identification sign has expired and has not been given a new approval, at its cost remove the sign and rehabilitate the highway to the satisfaction of the Municipal Engineer.
- (5) A community identification sign, where located on a highway, shall be placed either on the boulevard or median of a roadway designated as a major roadway standard or lesser standard.
 - (6) The number of community identification signs allowed per community will be determined by the Development Approving Authority.
 - (7) Notwithstanding Subsections 3(2)(1) and 3(3)(f), a community association may, with the prior written approval of the Development Approving Authority, locate a community association sign in reasonable proximity to a community identification sign or at any other location on a highway.
 - (8) A community association sign shall be no larger than 3.0 square meters.

Exemptions

- 10. The following signs are exempt from the application of this bylaw:
 - (1) Signs used by the Municipality for operational, public safety, display, advertising, or ornamental purposes, and
 - (2) Any sign carried by or on a person

Enforcement

- 11.
 - (1) Any sign that impedes or interferes with the work of a Municipal operation may be removed and disposed of by a Municipal employee, officer or agent affected without notice to the owner of the sign.
 - (2) Any sign found in breach of this bylaw by an authorized Municipality employee, may be removed and impounded without prior notice to the owner.
 - (3) Any sign impounded for a period of 14 days which has not been claimed by the owner may be destroyed without compensation by the Municipality to the owner.

Prosecution and Penalties

- 12.
 - (1) An owner of a 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.
 - (2) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable upon conviction to a fine not exceeding \$10,000.00 and in default of payment to imprisonment for a period not exceeding six months, or both.
 - (3) Where a Bylaw Enforcement Officer or a Peace officer believes that a person has contravened any provision of this bylaw, he may commence proceedings by issuing a summons by means of a

violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, S.A. 1988 Chap P-21.5.

- (4) The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "A" of this bylaw.
- (5) Notwithstanding subsection 12(4), where anyone has been convicted of the same provision of this bylaw twice within one 12 month period, the specified penalty payable shall be double the fine amount shown in Schedule "A" of this bylaw.
- (6) The Municipal District of Foothills No. 31 assumes no liability for any damages, actions, etc. resulting from the placement, removal and maintenance of any signs placed on the right of way. This includes claims arising from underground utilities being severed through in installation of signs, any vehicles accidentally striking the signs or loss or damage to the signs through any operation of the MUNICIPAL DISTRICT OF FOOTHILLS NO. 31 including highway construction and maintenance

Commencement

13. That this Bylaw shall have effect on the date of its third reading.

First Reading: February 16, 2006

Reeve

Municipal Manager

Second Reading: February 16, 2006

Reeve

Municipal Manager

Third Reading: February 16, 2006

Reeve

Municipal Manager

PASSED IN OPEN COUNCIL assembled at the Town of High River in the
Province of Alberta, the 16 day of February, 2006.

SCHEDULE A

<u>SECTION</u>	<u>FINE</u>
3(2) and 3(3)	\$100.00
3(4)	\$50.00
4	\$50.00
5(1) and 5(2)	\$50.00
All other sections	\$75.00