



REQUEST FOR DECISION

MEETING DATE: April 15, 2024

TITLE: C-1281-23 - Election Sign Bylaw

DIVISION: Strategic and Communication Services

SUMMARY:

The proposed Election Sign Bylaw was presented at the January 15, 2024 Governance and Priorities Committee (GPC) meeting for discussion and feedback. The proposed bylaw would provide methods to standardize election signage throughout the municipality during the period between nomination day and election day. The attached proposed bylaw includes amendments based on GPC's feedback and is before GPC for further review and feedback.

PROPOSED MOTION:

To be determined based on discussions and feedback of Committee.

BACKGROUND / ANALYSIS:

Currently, election signage within the City of Spruce Grove is mandated through an Election Sign Acknowledgement Form, which highlights allowances and restrictions and requires that candidates sign off agreeing to comply. The current acknowledgement form does not provide an ability to adequately enforce contraventions.

A proposed Election Sign Bylaw was presented at the January 15, 2024 GPC meeting. GPC provided Administration with feedback on matters relating to election signs in medians, election sign height, placement of signs in relation to voting stations, paid illuminated signs, and election signs on private property.

Administration has prepared the following response to the matters relating to election signs as identified during the January 15, 2024 GPC meeting.

1. *Change minimum separation distance in medians between same candidate's election signs from 15 m to 30 m on medians*

Proposed Bylaw Amendment:

Section 5.8 has been added to indicate that election signs placed in medians shall have a minimum distance of 30 m between the same Candidate's Election Sign along a Highway. This minimum spacing distance does not apply to Election Signs placed in the opposing Boulevards along a Highway across from Medians.

Section 5.7 still indicates that the minimum spacing distance between elections signs that are not placed in medians is 15 m. Having different spacing requirements between medians and boulevards may causing additional time and resourcing impacts from an enforcement perspective; however, providing proactive education and awareness to candidates will ideally mitigate any issues in this respect.

2. *Change the permitted election sign height from the ground to the top of the election sign from 6.5 feet to 8 feet based on the following motion passed by GPC:*

THAT Administration be directed to amend section 5.3 of C-1281-23 - Election Sign Bylaw to change the Election Sign height from the ground to the top of the election sign from 6.5 feet to 8 feet.

Proposed Bylaw Amendment:

Section 5.3 has been amended to increase the maximum allowable height of an election sign placed on the ground to 2.43 m (8 ft). The maximum height is measured from the ground to the highest top of the election sign.

Section 3.5 has been added to indicate that a candidate must ensure their election signs regardless of size, are securely affixed to the ground or if placed on a private fence or private building securely affixed to the fence or building, so the election signs remain upright at all times.

With the increase in size, there could be a safety concern with election signs potentially toppling over in a wind gust or other weather event. The clarity in sections 3.5 and 5.12 places the onus on candidates to ensure their election signs are placed with safety measures in mind to keep the election signs upright.

3. *Placement of election signs at voting stations on advance voting days and election day.*

Proposed Bylaw Amendment:

Section 5.9 has been amended to add that elections signs shall not be located within 15 m of the property line of a voting station "during an advance vote or on election day". This aligns with Section 152 of the *Local Authorities Election Act* (LAEA), which

prohibits campaigning within a voting station or within the boundaries of the land on which a building used for a voting station is located during an advance vote or election day.

The same wording has been added to section 5.10 which addresses elections signs affixed to a vehicle not being permitted within 15 m of a voting station property line.

The proposed changes identify the restriction of sign placement is ONLY during an advance vote or election day. Between Nomination Day and Election Day, excluding advance votes or election day, candidates can place election signs in permitted locations within 15 m of a voting station. If these locations are private property, candidates would need to have the consent of the owner.

The Candidate Information Session will include a dedicated section explaining how the candidate must adhere to this section. The removal of election signage must occur prior to the start of the advance vote and following the closing of polls, the election signage can be returned.

4. *Placement of election signs on street frontage of municipal property.*

Proposed Bylaw Amendment:

Section 6.1(j) has been amended to make clear election signage is prohibited on any City-owned facility or sites in which a City-owned facility is situated, including on the boulevard surrounding the property line of the municipal facility. The bylaw defines a Boulevard as, “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”.

Section 6.1(k) is specific to prohibiting election signage on City-owned fences, and street furnishings. A definition of street furnishing has been added to identify those items that are prohibited from having election signs affixed to them.

Placing election signage on private property facing or adjacent to a City-owned facility is permitted with the owner’s consent.

5. *Election signs on private property and when election signs can be erected.*

Proposed Bylaw Amendment:

Section 4.1 has been amended to make it specific to erecting election signage on *public property*. Election signage on public property cannot be erected until 12:01 a.m. on nomination day/election writ day.

Section 4.2 has been added to permit election signage on *private property* to be erected starting 60 days prior to Election Day. As previously noted, candidates would need to have the consent of the owner. This extra time provided for elections signs to be erected on private property provides candidates with additional four weeks to display their election signage.

Section 5.5 has been added to address elections size restrictions for election signs placed on buildings on private property. The bylaw was previously silent on this. However, since the bylaw addresses elections signs on private fences, Administration recommends addressing election signs on private buildings as well. The size restriction for private buildings corresponds with the size restriction for realtor signs affixed to buildings as outlined in the Land Use Bylaw.

6. *Erecting election frames prior to the legislated allowance.*

Proposed Bylaw Amendment:

Under section 2.6, the definition of “Election Sign” has been clarified by adding “including all portions such as the device, fixture, structure, legs, and frame”.

Adding the additional wording adds clarity for candidates to understand an election sign is not just the sign face but the entire structure that includes the frame, legs, fixture, etc. Election signage cannot be erected on *public property* until 12:01 a.m. on nomination day/election writ day or in the case of *private property*, not until 60 days before Election Day.

7. *Use of illuminated / megatron signs as an election sign vs advertising.*

Proposed Bylaw Amendment:

What constitutes an election sign is defined under section 2.7. The Election Sign Bylaw regulates election signs within a specific time period including the size and location. Section 3.2 has been added to indicate this bylaw applies to election signs erected on public property as of 12:01 a.m. on nomination day or on private property 60 days before election day. Election signage that does not meet the definition of an election sign **and** is outside the identified time period would fall under City’s Land Use Bylaw or other applicable municipal bylaws regarding signage. Advertising on illuminated billboards would not fall within the scope of section 3.2.

8. *Summary of size regulations of an election sign.*

Proposed Bylaw Amendment:

A Schedule “A” has been added to include a table summarizing the election sign size regulations. This table serves as a quick reference.

The attached redline of the Election Sign Bylaw indicates the amendments made based on feedback at the January 15, 2024 GPC meeting.

OPTIONS / ALTERNATIVES:

GPC may provide feedback and input on further amendments.

CONSULTATION / ENGAGEMENT:

City Clerk's Office consulted with Planning and Development and Enforcement Services on the issues that directly impacted their areas, as well as completed a jurisdictional scan from surrounding municipalities. Legal counsel was consulted on the proposed bylaw amendments and was satisfied from a legal perspective.

IMPLEMENTATION / COMMUNICATION:

The proposed bylaw will be updated based on any feedback received from GPC and brought to a Regular Council Meeting for first and second reading.

IMPACTS:

The proposed Election Sign Bylaw will ensure election signage placed through the City is consistent and does not interfere with the safety of pedestrians and vehicular traffic. The bylaw applies to Federal, Provincial, and Municipal elections.

FINANCIAL IMPLICATIONS:

n/a