

# CITY OF KELOWNA

## BYLAW NO.10411

### City of Kelowna Election Sign Bylaw

A bylaw to regulate the date, duration, size, type, form, appearance and location of **election signs** and **election event signs** placed in the City of Kelowna.

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

#### SECTION 1 – INTRODUCTION

##### 1.1 Title

1.1.1 This bylaw may be cited as the 'Election Sign Bylaw No. 10411.'

##### 1.2 Interpretation

1.2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the **Council** of the City of Kelowna, as amended, revised, consolidated or replaced from time to time.

1.2.2 The headings given to the sections and paragraphs in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.

1.2.3 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

##### 1.3 Definitions

1.3.1 In this bylaw, unless the context otherwise requires:

**'Bylaw Enforcement Officer'** means the officers or employees appointed by **Council** as such.

**'City'** means the City of Kelowna.

**'Chief Electoral Officer'** means, in relation to election or referendum proceedings, the election official appointed to act as presiding election official for those proceedings, or their deputy, as appointed by **Council**.

**'Council'** means the Municipal **Council** of the City of Kelowna.

**'Election Sign'** means a **sign** identifying any candidate, group of candidates, slate, elector organization, political party or issue for a federal, provincial, local government or school district election, by-election or referendum.

'**Lot**' means a parcel of land, including crown land, which is legally defined either by registered plan or description.

'**Sign**' means any visual medium, including its structure and other component parts, or banner, illuminated or non-illuminated, which is visible from any public street or adjacent property or any lettering, words, pictures or symbols which identify, describe, illustrate, advertise or draw attention to a product, place, activity, business, service, or institution. Without limiting the generality of the foregoing, **signs** include banners, letters, illustrations, figures, neon tubing, placards, painted messages, but not flags, interior window displays of merchandise or **signs** painted on or attached to a motor vehicle unless the vehicle is parked on a regular basis to act as a **sign**.

'**Election Event Sign**' means a **sign** erected for a specified period of time announcing or advertising an election related event of limited duration, including but not limited to campaign rallies, all candidate meetings, vote information and voting place locations.

- 1.3.2 Any term or phrase which is not defined in this bylaw but which is defined in City of Kelowna **Zoning Bylaw** No. 8000 shall have the same meaning as defined in Bylaw 8000.

## **SECTION 2 – SIGNS**

### **2.1 Exemptions from Permits**

- 2.1.1 The following **signs** are exempt from obtaining a permit as required under the City of Kelowna Sign Bylaw No.8235 provided they comply with all the regulations of this Bylaw:
- a) **election signs** on public or private property each with a maximum **sign area** of 1.50 m<sup>2</sup> and a maximum **height** of 1.8 m, subject to their removal within four (4) days following the election;
  - b) **election event signs** on public or private property to a maximum of 2 **signs** per frontage, each with a maximum **sign area** of 3.0m<sup>2</sup> or to a maximum height of 2.5m.

## **SECTION 3 – SIGN PROHIBITIONS**

### **3.1 General Sign Prohibitions**

- 3.1.1 Any **signs** that are not expressly permitted in this Bylaw or Sign Bylaw No.8235 are prohibited.

### **3.2 Signs on Public Property**

- 3.2.1 No **election sign** or **election event sign** shall be erected or placed on property owned or under the control of the **City** or placed:
- (a) across any street or public thoroughfare;
  - (b) on any bridge or overpass structure;
  - (c) in any park;
  - (d) on or over any curb, sidewalk, post, pole, hydrant or fence;
  - (e) in any centre median;

- (f) on any traffic control device;
- (g) on any street, place or location sign;
- (h) in any City owned or maintained tree well;
- (i) or any other location as to interfere with or cause confusion with the movement of traffic.

- 3.2.2 Notwithstanding section 3.2.1, **election signs** or **election event signs** are permitted on City property if placed:
- (a) in a grass boulevard;
  - (b) on a City owned lot as identified by the **Chief Electoral Officer**;

### 3.3 Signs on Private Property

- 3.3.1 Any **election signs** on private property must comply with the provisions of this Bylaw or Sign Bylaw No. 8235 and as expressly permitted in the Bylaws shall be erected or placed only with the Owners permission.

## SECTION 4 – GENERAL REGULATIONS

### 4.1 General Regulations for Signs

- 4.1.1 **Election signs** for the purposes of a local government or school district election are permitted only within the municipal election period, beginning with the start of the nomination period and ending following general voting on Election Day.
- 4.1.2 **Election signs** for the purposes of a federal or provincial election are permitted only within the respective election period, beginning with the dropping of the Writ and ending following general voting on Election Day.
- 4.1.3 **Election signs** for the purposes of a federal, provincial, local government or school district referendum are permitted beginning thirty (30) days before the date of the referendum vote and ending following voting on Referendum Day.

## SECTION 5 – SPECIFIC REGULATIONS

### 5.1 Specific Regulations for Signs

- 5.1.1 All **signs** are permitted only if they:
- (a) are placed on a **lot** so that they do not obscure the line of vision from a street, access road or sidewalk to incoming traffic. The line of vision shall be measured a distance of 8.0 m back along both abutting and intersecting streets along the abutting property lines of the **lot** from the point of intersection of the streets. In the case of the access road the 8.0 m shall be measured back along the edge of the access road from the point of intersection of street.
- 5.1.2 Any **election event sign** shall:
- (a) be placed so as not to obstruct, hinder or in any way interfere with the use by drivers of motor vehicles and pedestrians on abutting streets or walkways; and
  - (b) shall not exceed an area of 3.0 m<sup>2</sup> or a maximum **height** of 2.5 m; and
  - (c) remain only for the period that the election event is scheduled.

## **SECTION 6 – ENFORCEMENT AND OFFENCES**

### **6.1 General**

- 6.1.1 The **Chief Electoral Officer** is hereby authorized to enforce the provisions of this bylaw.
- 6.1.2 The **Chief Electoral Officer** may order the removal of a **sign** which does not conform to this bylaw or any other bylaw of the **City** and upon removal will;
- (a) Make a reasonable attempt to identify and notify the candidate or owner of the **sign**;
  - (b) store the sign for a period of one week; and
  - (c) following the expiration of the one week period, destroy or otherwise dispose of the **sign**.

### **6.2 Right of Entry**

- 6.2.1 Upon direction by the **Chief Electoral Officer, Bylaw Enforcement Officers** shall have the right of entry and may enter onto any land at all reasonable hours in order to ascertain whether the provisions of this bylaw have been carried out.
- 6.2.2 No person shall interfere with or obstruct the entry of any authorized **City** representative onto any land to which entry is made or attempted pursuant to the provisions of this bylaw.

### **6.3 Offence**

- 6.3.1 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- 6.3.2 Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

## **SECTION 7 – EFFECTIVE DATE**

### **7.1 Effective Date**

- 7.1.1 This bylaw comes into force and takes effect on the date of adoption.

Read a first, second and third time by the Municipal Council this 8<sup>th</sup> day of November, 2010.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk