

SUMMARY:

The City of Kelowna Election Sign Bylaw is a bylaw that outlines permitted use and placement of signs during federal, provincial, local government, or school district election campaigns or referendums.

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in this electronic version.

CITY OF KELOWNA

BYLAW NO.12920

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:

1. Title

- 1.1. This bylaw may be cited as the 'Election Sign Bylaw No. 12920.'

2. Interpretation

- 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.
- 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.
- 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.

3. Definitions

- 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 Election Officer' means the person appointed Chief Election Officer for the City of Kelowna pursuant to Part 3 of the *Local Government Act*, or their deputy.

'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.

'Frontage' means the length of a lot line which immediately adjoins a street other than a lane or walkway.

'Height' means the maximum vertical distance between grade around the sign and the highest point of the sign.

'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, includes 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**.

'Sign Area' means the total surface area within the perimeter of a sign that contains lettering, numbers, a symbol, picture or blank space.

'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.

- 3.2. Notwithstanding section 3.1, during a provincial or federal election the term **'Chief Election Officer'** as used in this bylaw means the person appointed City Clerk of the City of Kelowna, or their deputies.
- 3.3. Except as defined in section 3.1 and 3.2, a term or phrase used in this Bylaw has the meaning given in City of Kelowna Zoning Bylaw No. 12375, as amended or replaced from time to time.

4. Permission to Place Signs

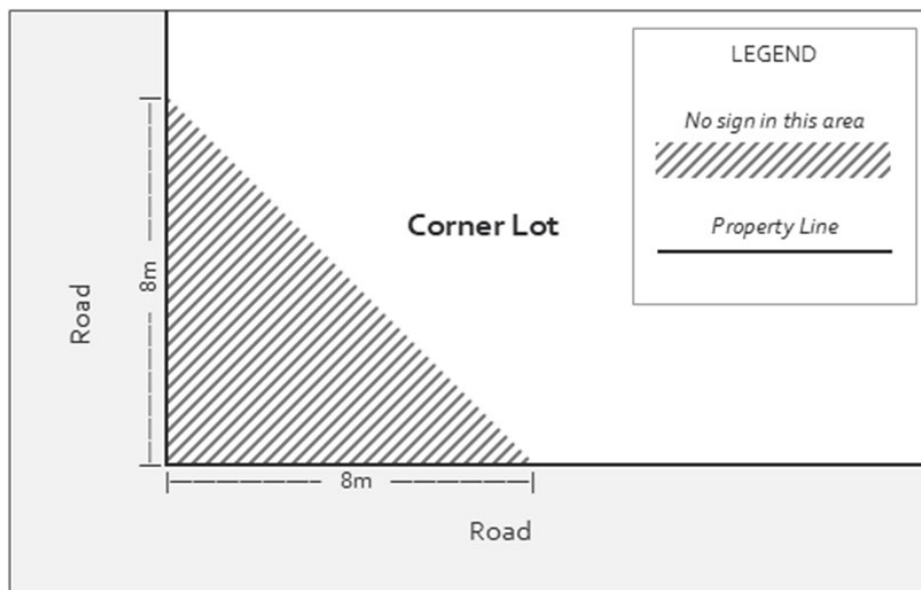
- 4.1. Any **sign** that is not expressly permitted in this Bylaw or Sign Bylaw No. 11530 are prohibited.
- 4.2. Exemptions from Permit
 - a) The following **signs** are exempt from obtaining a permit as required under Sign Bylaw No. 11530 provided they comply with all the regulations of this Bylaw:
 - i. **election signs on** public or private property to a maximum of 2 signs per frontage, each with a maximum **sign area** of 1.50 m² and a maximum **height** of 1.8 m, subject to their removal within four (4) days following the election;
 - ii. **election event signs** on public or private property to a maximum of 2 signs per frontage, each with a maximum **sign area** of 3.0m² or to a maximum **height** of 2.5m.
- 4.3. No **election sign** or **election event sign** may 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.
- 4.4. Notwithstanding section 4.3, **election signs** or **election event signs** are permitted on City property in locations prescribed by the **Chief Election Officer**.
- 4.5. An **election sign** or **election event sign** erected or placed on City property must not be placed in a location or mounted using material that could cause damage to subsurface infrastructure or equipment.
- 4.6. Any **election sign** on private property must comply with the provisions of this Bylaw or Sign Bylaw No. 11530 and as expressly permitted in the Bylaws must be erected or placed only with the Owner's permission.

5. Sign Regulations

- 5.1. **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 General Voting Day.
- 5.2. **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.
- 5.3. **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.
- 5.4. An **election sign** or **election event sign** must:
- 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) remain only for the period that the election event is scheduled.
- 5.5. An **election sign** or **election event sign** placed on a **lot** must not obstruct the traffic line of vision from a street, access road or sidewalk. Adjacent to an intersection the traffic line of vision will be measured 8.0 m back from the property lines of a **lot**, as demonstrated in Figure 1.

Figure 1 – Line of Vision, Corner Lot:



6. Enforcement and Offences

- 6.1. The **Chief Election Officer** is hereby authorized to enforce the provisions of this bylaw.
- 6.2. The **Chief Election 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**.
- 6.3. **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.
- 6.4. 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.
- 6.5. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Fifty Thousand Dollars (\$50,000.00) and the costs of prosecution.
- 6.6. Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

7. Effective Date

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

8. Repeal

- 8.1. Election Sign Bylaw No. 10411, as amended from time to time, is repealed.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk