

BYLAW NUMBER 28M2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND BYLAW 29M97, THE TEMPORARY
SIGNS ON HIGHWAYS BYLAW**

WHEREAS Council has considered Report TT2017-0309 and deems it necessary to amend Bylaw 29M97, the Temporary Signs on Highways Bylaw;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS
FOLLOWS:**

1. Bylaw 29M97, the Temporary Signs on Highways Bylaw, as amended, is hereby further amended.
2. Before the words **“NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:”**, the following is inserted:

“WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 provides that a council may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS the Traffic Safety Act, R.S.A. 2000, c. T-6 empowers a council to pass bylaws respecting the use of highways;

AND WHEREAS it is desirable to regulate temporary signs placed on highways in order to balance the need for signage and expression with safety and aesthetics;

AND WHEREAS limiting sign proliferation helps to reduce visual clutter and allows for more effective communication of information for all sign users;

AND WHEREAS regulating the size, location and structure of signs ensures that informational and community signs have access to public places in order to communicate with the public.”.

3. In Section 2:
 - (1) in subsection 2(a), the word “roadway” is deleted and replaced with “Roadway”;
 - (2) in subsection 2(b), the words “City Bylaw” are deleted and replaced with the words “The By-Law Enforcement Officers Appointment By-law”;
 - (3) subsection 2(c) is deleted and replaced with the following:

“(c) “City Manager” means the person appointed by City Council as its chief administrative officer or that person’s designate;”;
 - (4) in subsection 2(d), the words “, or the land lying within the corporate limits of the City of Calgary, as the context requires” are deleted;

- (5) subsections 2(e) and 2(f) are deleted;
- (6) in subsection 2(g):
- (i) the word “roadway” is deleted and replaced with “Roadway”; and
 - (ii) the word “road” is deleted and replaced with “Roadway”;
- (7) subsection 2(h) is deleted;
- (8) the following is added after subsection 2(h) as subsection 2(h.1):
- “(h.1) “Election Period” means:
- (a) for a federal election or by-election, the period starting from the issuance of the writ and ending after the close of polls;
 - (b) for a provincial election or by-election, the period starting from the issuance of the writ and ending after the close of polls; or
 - (c) for a municipal election or by-election or school board election or by-election, the period starting from the close of nominations and ending after the close of polls.”;
- (9) subsection 2(i) is deleted and replaced with the following:
- “(i) “Election Sign” means any Sign used to promote a candidate or party during a provincial or federal election or by-election, or any election or by-election held pursuant to the Local Authorities Election Act, R.S.A. 2000, c. L-21.”;
- (10) subsection 2(j) is deleted;
- (11) subsection 2(k) is deleted and replaced with the following:
- “(k) “Highway” means any public thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway or trestle way owned by the City 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 a fence and one side of the Roadway, all the land between the fence and the edge of the Roadway, as the case may be;
- but excludes any street or road located on privately owned land.”;

- (12) subsection 2(l) is deleted and replaced with the following:
- “(l) “Intersection” means the area embraced within the prolongation or connection of
- (i) the lateral curb lines or,
- (ii) if there are not any lateral curb lines, the exterior edges of the Roadways,
- of 2 or more Highways which join one another at an angle whether or not one Highway crosses the other;”;
- (13) in subsection 2(q), the words “and is secured by tape, glue, staples or other means” are deleted;
- (14) subsection 2(r) is deleted and replaced with the following:
- “(r) “Poster Board” means a structure placed by the City on a Highway for the purpose of posting bills, notices and Posters;”;
- (15) the following is added after subsection 2(r) as subsection 2(r.1):
- “(r.1) “Prohibited Highway” means a Highway or portion of Highway, as designated by the Traffic Engineer, where the placement of Signs is prohibited unless otherwise authorized by this Bylaw;”;
- (16) in subsection 2(s), the word “Road” is deleted and replaced with “Roadway”;
- (17) in subsection 2(t):
- (i) the word “roadway” is deleted and replaced with “Roadway”; and
- (ii) after the words “property line, whether” the word “of” is deleted and replaced with “or”;
- (18) the following is added after subsection 2(u) as subsection 2(u.1):
- “(u.1) “Sound Attenuation Wall” means an exterior structure designed to reduce transportation-related sound levels in adjacent residential areas;”;
- (19) subsection 2(v) is deleted;
- (20) subsections 2(w) and 2(w.1) are deleted and replaced with the following:
- “(w) “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, c. T-6, and the Calgary Traffic Bylaw 26M96, for the purpose of regulating, warning or guiding traffic;

- (w.1) "Traffic Engineer" means the person appointed to the designated officer position of Traffic Engineer established by the Calgary Traffic Bylaw 26M96, or that person's designate;"

(21) in subsection 2(x):

- (i) after the words "refuge to protect", the word "and" is deleted and replaced with "or"; and
- (ii) the words "or aids in loading or unloading transit riders" are deleted.

4. The following is added after section 2 as section 2.1:

- "2.1 (1) Nothing in this Bylaw relieves a Person from complying with any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- (2) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation."

5. (1) The title "**General Prohibitions and Requirements**" to section 3 is deleted.

(2) Section 3 is deleted and replaced with the following:

"3. This Bylaw applies to Signs placed on Highways but does not apply to Signs permitted by:

- (a) the Land Use Bylaw 1P2007;
- (b) the Stephen Avenue Mall Bylaw 52M87;
- (c) the Barclay Mall Bylaw 17M84;
- (d) the Municipal Complex Bylaw 38M2012;
- (e) the Residential Directional Sign Bylaw 37P97;
- (f) the Real Property Bylaw 52M2009;
- (g) the Sign Licensing Bylaw 23M2001; or
- (h) the Mall Between Second Street S.E. and First Street S.E. on Eighth Avenue Bylaw 26M85."

6. The following is added after section 3 as sections 3.1, 3.2, 3.3, 3.4 and 3.5:

General Rules

3.1 A Person must not place a Sign on a Highway which:

- (a) obstructs a Traffic Control Device;
- (b) has a position, shape, colour, format or illumination which is similar to a Traffic Control Device;
- (c) is a hazard, obstructs or is dangerous to vehicular or pedestrian traffic;
- (d) is attached to or within 2 metres of a fire hydrant;
- (e) is permanently affixed;
- (f) is lit or electrified;
- (g) is inflatable;
- (h) is supported by string, rope, or metal guide wire to add stability to the freestanding structure;
- (i) is unsightly, damaged or in disrepair or becomes unsightly, damaged or in disrepair;
- (j) is attached to any Traffic Signal Pole;
- (k) is attached to any street light pole;
- (l) is attached to any Sound Attenuation Wall placed by the City;
- (m) is attached on or within a Plus 15 bridge;
- (n) causes or could cause any damage to Municipal Property;
- (o) is attached to any Calgary Transit Sign, Sign pole or structure; or
- (p) is:
 - (i) within 30 metres of; and
 - (ii) on the same side of the Highway as;

a City bus shelter, transit bench, bus zone, Light Rail Transit Station, or Light Rail Transit platform without the written permission of the City Manager.

3.2 A Person must not place a Sign on a Highway which:

- (a) has a Sign face that is larger than 0.6 square metres; or
- (b) is higher than 0.92 metres when measured from grade to the highest part of the Sign.

3.3 A Person must not place a Sign on a Highway:

- (a) within 15 metres of an Intersection;
- (b) within 2 metres of a curb or edge of any Roadway;
- (c) on or within any Traffic Island or Median;
- (d) within a Playground Zone or School Zone;
- (e) within 10 metres of a Crosswalk that is not located at an Intersection; or
- (f) that is:
 - (i) within 20 metres of; and
 - (ii) on the same side of the Highway as;
a Sign that is posted by the same Owner and depicts, advertises or promotes the same idea.

3.4 A Person must not allow a Sign to remain on a Highway:

- (a) for more than fourteen consecutive days; or
- (b) for more than 24 hours following the date any advertised event concludes,
whichever is sooner.

3.5 A Person who places a Sign on a Highway must legibly state on the Sign:

- (a) the name of an Owner of the Sign and the address and phone number of the Owner; and
- (b) the date the Sign was placed.”.

7. Section 4 is deleted and replaced with the following:

“Prohibited Highways

- 4. (1) A Person must not place a Sign on a Prohibited Highway.
- (2) The Traffic Engineer is authorized to designate any Highway or portion of Highway as a Prohibited Highway for the purposes of this Bylaw.
- (3) The Traffic Engineer must keep a record of every Prohibited Highway that has been designated pursuant to subsection (1) and the record must be available for public inspection at the office of the Traffic Engineer during normal business hours.”.

8. Section 5 is deleted and replaced with the following:

- “5. (1) Posters are subject to all of the provisions of this Bylaw except as modified by this section.
- (2) Despite sections 3.1(d), 3.1(k) and 3.3(b), a Person may attach a Poster to an unpainted street light pole on a Highway provided that:
- (a) no more than one Poster, per Owner, is placed on the street light pole;
 - (b) the Poster is attached with clear adhesive tape or securable plastic banding;
 - (c) the Poster does not exceed 0.12 square metres;
 - (d) the Poster is constructed of a non-rigid material; and
 - (e) the street light pole is not within 150 metres of a Poster Board.
- (3) Despite subsection 4(1), a Poster may be placed on a street light pole on a Prohibited Highway.
- (4) Despite any other provision in this Bylaw, a Poster may be placed on a Poster Board provided by the City.”

9. Sections 6 and 7 are deleted.

10. The following is added after section 7 as section 7.1:

“Signs on Overpasses and Pedestrian Walkways

- 7.1 (1) Signs over a Highway or on or within a pedestrian walkway or any other overpass are subject to all the provisions of this Bylaw except sections 3.1(h), 3.1(m), 3.2, 3.3, 3.4, 3.5, and 4, or as modified by this section.
- (2) A Person must not place a Sign over a Highway or on or within a pedestrian walkway or any other overpass without a valid and subsisting permit issued by the Traffic Engineer.
- (3) Despite subsection 10(1)(b), a Person must not hold or display a Sign over a Highway or on or within a pedestrian walkway or any other overpass.
- (4) The Traffic Engineer is authorized to establish fees for and impose conditions on any permit issued under this section.
- (5) A Person who obtains a permit from the Traffic Engineer pursuant to this section must comply with all of the provisions and conditions of the permit.”

11. Section 8 is deleted and replaced with the following:

- “8. (1) Election Signs are subject to all of the provisions of this Bylaw except as modified by this section.
- (2) Despite subsection 3.4(a), a Person may place an Election Sign on a Highway for more than 14 consecutive days during an Election Period.
- (3) Despite subsection 3.4(b), a Person must not place an Election Sign on a Highway for more than 72 hours following the end of an Election Period.
- (4) Despite section 3.2, a Person must not place an Election Sign on a Highway during an Election Period if the:
- (a) the Sign face exceeds 3.0 square metres;
 - (b) the height exceeds 2.5 metres when measured from grade to the highest point of the Sign; or
 - (c) the width exceeds 3.05 metres when measured from the widest points of the Sign.
- (5) Despite subsection 3.3(a), a Person must place an Election Sign a minimum of 30 metres from an Intersection if the Sign face measures more than 0.6 square metres.
- (6) Further to subsection 2.2(b), where any provision regulating an Election Sign under this Bylaw conflicts with any other federal or provincial election legislation, the federal or provincial legislation prevails to the extent of the conflict.”.

12. Section 9 is deleted.

13. The following is added after section 9 as section 9.1:

“Mobile Community Signs

- 9.1 (1) Despite section 3.2, the Traffic Engineer may issue a permit to allow for the placement of a Sign on a Highway where:
- (a) the Sign face does not exceed 3.0 square metres;
 - (b) the height does not exceed 2.5 metres when measured from grade to the highest point of the Sign; or
 - (c) the width does not exceed 3.05 metres when measured from the widest points of the Sign.
- (2) A Sign for which a permit has been issued pursuant to subsection (1) shall be referred to as a Mobile Community Sign.

- (3) Mobile Community Signs are subject to all of the provisions of this Bylaw except as modified by this section.
- (4) The Traffic Engineer is authorized to establish fees for and impose conditions on any permit issued for a Mobile Community Sign.
- (5) A Person who obtains a permit from the Traffic Engineer pursuant to this section must comply with all of the provisions and conditions of the permit.
- (6) A Mobile Community Sign may only be used to advertise community events organized by the following groups:
 - (a) community associations and Business Improvement Areas;
 - (b) registered not-for-profit or charitable organizations;
 - (c) elementary schools, secondary schools or post-secondary institutions;
 - (d) not-for-profit amateur sports organizations;
 - (e) hospitals; and
 - (f) elected officials for the purposes of non-partisan events.
- (7) For the purposes of subsection (6), a “community event” means any event that is open to the public and is not for a purely commercial purpose.
- (8) Despite subsection 3.3(a), a Person must not place a Mobile Community Sign within 30 metres of an Intersection.”.

14. In Section 11:

- (1) in subsection 11(3), the word “14” is deleted and replaced with “30”; and
- (2) the following is added after subsection 11(3) as subsections 11(4) and 11(5):
 - “(4) An Owner of a Sign is liable for any and all damage, loss and expense caused by or arising from the erection, maintenance or removal of the Sign.
 - (5) The Traffic Engineer may revoke any permit issued under this Bylaw if an Owner contravenes any provision of this Bylaw.”.

15. Section 12 is deleted and replaced with the following:

- “12. (1) If a Sign is involved in an offence referred to in this Bylaw, the Owner of the Sign is guilty of an offence.

- (2) Subsection (1) does not apply if the Owner of the Sign satisfies the Court that the Owner did not place the Sign, and that the Person who placed the Sign did so without the Owner's express or implied consent.
- (3) 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.
- (4) Where a Bylaw Enforcement Officer or a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer or Peace Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- (5) The minimum and specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw."

16. **Schedule "A"** is deleted and replaced with the following:

"SCHEDULE "A"

MINIMUM AND SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
3.1(a)	Obstruct a Traffic Control Device	\$250	\$500
3.1(b)	Replicate a Traffic Control Device	\$125	\$250
3.1(c)	Hazardous to or obstruct vehicular or pedestrian traffic	\$125	\$250
3.1(d)	Placed within 2 metres from fire hydrant	\$125	\$250
3.1(e)	Permanently affixed	\$250	\$500
3.1(f)	Illuminated or electrified	\$125	\$250
3.1(g)	Inflatable	\$75	\$125
3.1(h)	Supported with prohibited material	\$125	\$250
3.1(i)	Unsightly, damaged or in disrepair	\$75	\$125
3.1(j)	Attached to Traffic Signal Pole	\$75	\$125
3.1(k)	Attached to street light pole	\$75	\$125

3.1(l)	Attached to a Sound Attenuation Wall	\$75	\$125
3.1(m)	Attached on or in a Plus 15 bridge	\$500	\$1000
3.1(n)	Cause damage to Municipal Property	\$250	\$500
3.1(o)	Attached to any Calgary Transit Sign, pole or structure	\$125	\$250
3.1(p)	Placed within 30 metres of any Calgary Transit property	\$125	\$250
3.2(a)	Oversized Sign	\$125	\$250
3.2(b)	Over height Sign	\$125	\$250
3.3(a)	Placed within 15 metres of an Intersection	\$125	\$250
3.3(b)	Placed within 2 metres of a curb or edge of Roadway	\$125	\$250
3.3(c)	Placed on a Traffic Island or Median	\$125	\$250
3.3(d)	Placed within a Playground or School Zone	\$125	\$250
3.3(e)	Placed within 10 metres of a Crosswalk	\$125	\$250
3.3(f)	Placed with 20 metres of a Sign posted by same Owner	\$75	\$125
3.4(a)	Posted longer than 14 days	\$75	\$125
3.4(b)	Posted longer than 24 hours after event	\$75	\$125
3.5(a)	Posted without Owner information	\$75	\$125
3.5(b)	Posted without required date	\$75	\$125
4(1)	Placed on a Prohibited Highway	\$125	\$250
5(2)(a)	Multiple Posters on street light pole	\$75	\$125
5(2)(b)	Poster improperly attached	\$75	\$125
5(2)(c)	Oversized Poster	\$75	\$125
5(2)(d)	Poster composed of improper material	\$75	\$125
5(2)(e)	Poster placed within 150 metres of a Poster Board	\$75	\$125
7.1(2)	Place Sign on overpass without a permit	\$500	\$1000

7.1(3)	Hold a Sign over a Highway	\$500	\$1000
7.1(5)	Fail to comply with conditions of permit	\$125	\$250
8(3)	Placed longer than 72 hours after Election Period	\$75	\$125
8(4)(a)	Oversized Election Sign	\$125	\$250
8(4)(b)	Over height Election Sign	\$125	\$250
8(4)(c)	Over width Election Sign	\$125	\$250
8(5)	Election Sign placed within 30 metres of an Intersection	\$125	\$250
9.1(5)	Fail to comply with conditions of permit	\$125	\$250
9.1(6)	Unauthorized use of Mobile Community Sign	\$250	\$500
9.1(8)	Mobile Community Sign placed within 30 metres of an Intersection	\$125	\$250".

17. **Schedule "B"** is deleted.
18. **Schedule "C"** is deleted.
19. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS _____ DAY OF _____, 2017.

READ A SECOND TIME THIS _____ DAY OF _____, 2017.

READ A THIRD TIME THIS _____ DAY OF _____, 2017.

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.