

BYLAW NO. 14-2012

A BYLAW OF THE TOWN OF BARRHEAD IN THE PROVINCE OF ALBERTA TO PROVIDE STANDARDS, CONTROL AND REGULATIONS FOR OUTDOOR PORTABLE SIGNS.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, provides that Council may pass bylaws respecting the safety and protection of people and property;

WHEREAS the intent of the Town of Barrhead is to encourage the effective use of portable and temporary signs as a means of communication and advertising in a manner that ensures safety;

AND WHEREAS Council of the Town of Barrhead deems it expedient and in the public's interest to pass a Bylaw to control and regulate the placement of portable signs within the Town of Barrhead;

NOW THEREFORE the Council of the Town of Barrhead duly assembled enacts as follows:

1. SECTION 1 – SHORT TITLE

This Bylaw may be cited as the Town of Barrhead "Portable Sign Bylaw".

2. SECTION 2 – DEFINITIONS

- 2.1 "A-FRAME SIGN" means an A shaped (sandwich board) sign which is set on the ground and has no external supporting structure.
- 2.2 "ADVERTISEMENT" means any method, devise or representation used to call attention to or identify any matter, object, event or person.
- 2.3 "COUNCIL" means the Municipal Council of the Town of Barrhead
- 2.4 "CAO" means the Chief Administrative Officer or designate of the Town of Barrhead
- 2.5 "DEVELOPMENT AUTHORITY" means the person(s) appointed by Council of the Town of Barrhead pursuant to Section 624 of the Municipal Government Act
- 2.6 "EXTERIOR LOT" means a corner lot that abuts two public streets, excluding alleys.
- 2.7 "ENFORCEMENT OFFICER" means a Peace Officer, Bylaw Enforcement Officer, RCMP, or any other person authorized by the Council of the Town of Barrhead to enforce the provisions of this bylaw
- 2.8 "ELECTRONIC SIGN" means a sign copy displayed utilizing electronic screens, televisions, computer monitors, liquid crystal display or any other similar electronic Technology where the sign copy displays moving objects.
- 2.9 "HIGHWAY" shall have the same meaning as in the Traffic Safety Act
- 2.10 "LICENSE TAG" – means an identification tag issued by the Municipality in accordance with the provision of this bylaw.
- 2.11 "MUNICIPAL TICKET" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town of Barrhead
- 2.12 "SIGN" means any visual medium, including its structure and other component parts, or banner, illuminated or non-illuminated, which is visible from any road or adjacent property or any lettering, words, pictures or symbols which identify, describe, illustrate, advertise or draw attention to a person, product, place, activity, business, service, or institution. Without limiting the generality of the foregoing, signs

include banners, flags, illustrations, figures, neon tubing, placards, painted messages, but not federal, provincial or municipal 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. Works of art that do not include a commercial message, provided they are not above the roofline, are not Signs.

- 2.13 "SIGN, PORTABLE" means any readily transportable sign that can easily be relocated to another location or temporarily set-up and removed from a site, and which is not permanently attached to the ground, building or vehicle or any inflatable object which is used to attract attention, or to which advertising is attached.
- 2.14 "SIGN, TEMPORARY" means a sign erected for a specified period of time announcing or advertising an event of limited duration.
- 2.15 "SITE TRIANGLE" means an area of no less than 6.09m (20ft) from any given intersecting property line as illustrated in the attached Schedule "A".
- 2.16 "THIRD PARTY ADVERTISING" means a sign advertising/promoting an event, product or business that has no relationship to the parcel of land or business where it is located.
- 2.17 "TOWN" means the Town of Barrhead
- 2.18 "VIOLATION TICKET" has the same meaning as in the Provincial Offence Procedures Act

3. SECTION 3 - INTERPRETATION

- a) The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute an infraction of this bylaw
- b) The owner of the sign is ultimately responsible for the sign and its maintenance.
- c) Nothing in this bylaw relieves a person from complying with any Federal or Provincial law or regulation.
- d) Marginal notes and headings in this bylaw are for reference purposes only.

4. SECTION 4 - GENERAL REGULATIONS

4.1 Signs not requiring a permit:

- a) A-Frame signs provided that:
- i) the sign is limited to one per business
 - ii) the sign is not illuminated
 - iii) the sign does not contain third party advertising
 - iv) in the opinion of the Development Authority or Enforcement Officer, the sign does not obstruct pedestrian traffic
 - v) maximum height of the sign shall not exceed 1.22m (4ft)
 - vi) maximum width shall not exceed .92m (3ft)
 - vii) the sign shall not be located on Town owned property or right of ways
- b) Real Estate signs provided that:
- i) the sign is not illuminated
 - ii) the sign is limited to one per property
 - iii) the sign shall not exceed 0.6m² (6ft²) in residential areas and 1m² (10ft²) in industrial, commercial areas

4.2 Prohibited Signs

Unless otherwise permitted by Council no sign shall be displayed within the Town of Barrhead which:

- a) Involves the use of revolving lights or beacons or emits amplified sounds or music;

- b) Will in the opinion of the Development Authority or Enforcement Officer obstruct free and clear vision of oncoming traffic or maybe confused with an authorized traffic sign, signal or device.

5. SECTION 5 - SIGN REGULATIONS

- 5.1 All signs, including temporary and portable ones, located on exterior lots, shall at all times be setback a minimum of 20ft from any intersection.
- 5.2 No sign shall be affixed within the boundaries of a Site Triangle.
- 5.3 No electrical cord for a temporary or portable Sign shall pass over a sidewalk, pedestrian walkway, roadway, driveway, aisle or parking space.
- 5.4 A portable sign shall not exceed a maximum of 4.6m² in area.
- 5.5 A portable sign shall not exceed a maximum height of 2.74m including any support structures.
- 5.6 A portable sign shall maintain a minimum separation distance of 15.24m from another portable sign,
- 5.7 All attaching and support structures shall be placed in such a manner so as to not pose a risk of danger or harm to any and all passersby, shall be structurally sound, and shall be concealed or form an integral part of the Sign design.
- 5.8 All signs shall be maintained in a satisfactory manner, all sign area, background and copy shall be continuously maintained in a clean, readable condition.
- 5.9 No temporary or portable sign or sign support shall be placed on a property unless the landowner or his representative has granted permission in writing to do so.
- 5.10 No temporary or portable sign shall obstruct door openings, passageways, walkways or fire escapes.
- 5.11 If a message relates to an event, it shall be removed within 72 hours after the event this shall also apply to a sign that no longer fulfills its original purpose.
- 5.12 Where a Sign is composed of more than one type of Sign, the regulation for each type of Sign shall be applicable to the appropriate portion of the Sign.
- 5.13 The Development Authority shall be the approving authority for this bylaw. Any appeals may be forwarded to Council for consideration.

6. SECTION 6- APPLICATION AND PERMIT

- 6.1 No temporary or portable sign shall be displayed or erected within the Town of Barrhead except as permitted in Section 4.1 of this Bylaw, unless an application for display has been approved by the Development Authority.
- 6.2 An application for a permit shall be made out on the official form, be accompanied by the fee prescribed by Council and provide the following information:
- a) the legal description or civic address of the property or building upon which the sign is, or is to be displayed or attached.
 - b) the sign owner/manufactures name and address
 - c) the applicants name and address
 - d) a letter of authorization and/or signature on the application form from the owner/authorized agent of the property or building the sign will be located.
 - e) a sight plan showing the proposed location of the sign in relation to the property lines
 - f) size and location of all existing portable signs on the property

- g) whether the sign will be in one permanent location or will be moved from one location to another from time to time
- h) scale drawing of the sign showing all dimensions
- i) the type of construction and finish to be utilized
- j) the method of supporting or attaching the sign.

6.3 The Development Authority may issue a permit with or without conditions if the application complies with the provisions of this bylaw and any other regulations to which the proposed sign must comply.

6.4 An annual permit is required for each portable sign and a permit fee of \$50.00/yr. is due and payable on or before January 1 of each year. A late fee of \$25.00 will be added to the annual fee if it has not been paid by January 10 of the current year.

6.5 Every portable sign will be issued a license tag. To be placed in a visible location on the sign. Once the annual fee has been paid and the permit has been issued a yearly license tag will be provided.

6.6 In the event of the sign being displayed before an annual permit is issued, double the permit fee shall be charged.

7. SECTION 7 - REMOVAL OR REPAIR

7.1 If any portable sign is erected without an approved permit, an approved permit lapses, a sign no longer complies with the terms of this bylaw or a sign no longer complies with the terms of an approved permit, the development authority or enforcement officer may issue an order directing the following:

- a) require the portable sign owner to remove or repair the sign and all related structural components in accordance with the terms of the order within fourteen (14) days from the date of receipt of the notice.
- b) if the portable sign owner fails to comply with an order the development authority or enforcement officer may carry out any inspections to determine compliance with this bylaw and take any steps or carry out any actions required to enforce this bylaw.
- c) in the event the portable sign is removed by the Town of Barrhead, the sign will not be released to the owner until a valid permit can be obtained and any penalties assigned as prescribed in this bylaw are paid. Should the portable sign remain unclaimed by the sign owner for a period of six (6) months, the portable sign may be sold or destroyed.

8. SECTION 8 - APPEAL PROCEDURE

8.1 The Owner or person who receives an Order pursuant to this Bylaw may request Council to review that Order by written notice.

- a) the written request for a review of an Order issued must be received by Town Administration within 14 days of the receipt of the Order;
 - i) the owner or person who receives an Order may appear before Council in person or by a representative; and
 - ii) after reviewing the Order, the Council may confirm, vary, substitute or cancel the Order.

9. SECTION 9 - PENALTIES AND OFFENCES

9.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine in an amount not less than that established in this section. The following fine amounts are established for use on municipal tickets:

- i. \$200.00 for the first offence; and
- ii. Double the fine for the second and subsequent offence.

- a) A person who commits an offence may, if a municipal ticket is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- b) If a violation ticket is issued in respect of an offence, the violation ticket may:
 - i. specify the fine amount established by this bylaw for the offence; or
 - ii. require a person to appear in court without the alternative of making a voluntary payment.

9.2 The Enforcement Officer is hereby authorized and empowered to issue municipal tickets to any person who contravenes this bylaw.

9.3 If a person upon whom a municipal ticket is served fails to pay the ticket within a specific period of time, an Enforcement Officer may issue in addition to the municipal ticket a violation ticket pursuant to the Provincial Procedures Act.

10. SECTION 10 - SEVERABILITY PROVISION

10.1 Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is found to be invalid for any reason by a Court of Law, all other provisions of this bylaw shall remain valid and enforceable.

11. SECTION 11 - RESCIND

11.1 Bylaw 15-2003 is hereby rescinded.

12. SECTION 12 - EFFECTIVE DATE

12.1 This Bylaw shall come into force upon third and final reading.

Read a first time this 10th day of December, 2012.



Mayor, Brian Schulz



CAO, Martin Taylor

Read a second time this 28th day of January, 2013.



Mayor, Brian Schulz

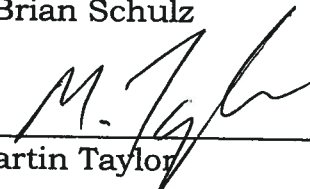


CAO, Martin Taylor

Read a third time this 28th day of January, 2013.



Mayor, Brian Schulz



CAO, Martin Taylor