

DISTRICT OF KITIMAT

BYLAW NO. 2017, 2022

A BYLAW TO AMEND PART 9, DIVISION 3 OF THE KITIMAT MUNICIPAL CODE WITH RESPECT TO ELECTION SIGNS.

WHEREAS the Council of the District of Kitimat wishes to regulate signs within the District of Kitimat;

AND WHEREAS, the District of Kitimat has a consolidation of regulatory bylaws referred to as the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as "Signs Amendment Bylaw No. 2017, 2022".
2. Section 9.3.1.1 be amended by striking "City" and replacing with "District".
3. Section 9.3.3.1.d(2) be amended by striking "electioneering" and replacing with "Election Signs".
4. Section 9.3.4.4.b(2) be amended by striking the clause and replacing it with:
9.3.4.4.b (2) no part of any canopy or sign shall be less than 2.5 metres above any municipal sidewalk, or other public place, and no part of any canopy or sign shall extend closer than one and one-half (1.5) metre to the travelled portion of any street or lane;
5. Section 9.3.4.4.d.1(a) and (b) be amended by striking and replacing with:
9.3.4.4.d (1) no signs for community causes and festivities, or charitable fund raising campaigns purposes shall be erected on public space without obtaining a temporary permit subject to the following conditions:
 - (a) a written request to erect or display any such signs together with a total deposit of \$50.00 shall be submitted to the Chief Administrative Officer or delegate before any sign is proposed to be erected, giving the dates for which such sign or signs are required, and the type, size and proposed location of each sign;
 - (b) no such temporary sign shall be erected or displayed until a permit has been issued by the Chief Administrative Officer or delegate. Such a permit shall not be for a period exceeding THIRTY (30) days;

6. Section 9.3.5.3(c) be amended by striking and replacing with:

c. Election Signs	Maximum Area (m ²)	Maximum Height (m)	Duration (days)	Conditions
All Zones	3	2.5	As per Subdivision 12	May be erected on public property subject to provisions of Subdivision 12

7. Section 9.3.8.1.b. be amended by striking and replacing with:

b. Election Signs;

8. Subdivision 12 – Election Signs be added as follows:

Subdivision 12 – Election Signs

9.3.12. 1. Definitions

“Election Sign” means a sign identifying any candidate, group of candidates, slate, elector organization, political party or issue for a federal, provincial, local government, school district, or other government entity Voting Opportunity.

“Large Election Sign” means an Election Sign that:

- supports or opposes a position or candidate in relation to a Voting Opportunity; and
- has an area of greater than 0.58 square meters.

“Small Election Sign” means an Election Sign that:

- supports or opposes a position or candidate in relation to a Voting Opportunity; and
- has an area of less than 0.58 square meters.

“Voting Opportunity” means an election, by-election, referendum, alternate approval process petition, plebiscite, or any other event directed as a voting opportunity by District of Kitimat Council resolution.

Election Sign Must Conform to All other Regulations

2. Unless otherwise stated, an Election Sign must conform to the general regulations set out in section 9.3.4 of the *Kitimat Municipal Code*.
3. An Election Sign must conform to regulations set out by the Federal or Provincial Governments in relation to Election Signs.
3. Where there is a conflict between the Kitimat Municipal Code on Election Signs and that of the Federal or Provincial Government, the conflicting provisions of the Kitimat Municipal Code on Election Signs shall be severed, with all other sections still being in force.

Design of Election Signs

4. Election Signs may not reflect any trademarks, logos, taglines, phrases, or other intellectual property held by the District of Kitimat. No sign may be designed to reflect any association, endorsement, referral, or approval of a candidate or a position within a Voting Opportunity by the District of Kitimat.
5. Notwithstanding Section 9.3.12.4 of the *Kitimat Municipal Code*, the District of Kitimat may use its trademarks, logos, taglines, phrases, or other intellectual property to endorse, refer, associate or approve of a position in regards to an alternative approval process petition in which the District of Kitimat has undertaken to gain elector approval as per Section 86 of the *Community Charter*, SBC 2003, c. 26, when Council is seeking community opinion as per Section 83 of the *Community Charter*, SBC 2003, c. 26, or any other event directed as a voting opportunity by District of Kitimat Council resolution.

Election Sign Permit

6. No Election Sign shall be erected on public space without obtaining a temporary permit subject to the following conditions:
 - (a) a written request to erect or display any such signs together with a total deposit of \$50.00 shall be submitted to the Chief Administrative Officer or delegate before any Election Sign is proposed to be erected, giving the dates for which such Election Sign(s) are required, and the type, size and proposed location of each Election Sign;
 - (b) no such Election Sign shall be erected or displayed until a permit has been issued by the Chief Administrative Officer or delegate.
 - (c) the deposit shall automatically be forfeited if each and every Election Sign covered thereby is not removed by the end of the permitted period.

Election Sign Limitations

7. For a voting opportunity initiated by a local government or school district:
 - (a) No more than twenty-five (25) Small Election Signs and six (6) Large Election Signs located on public property within the District of Kitimat boundary;
 - (b) Related to elections promoting a candidate, Election Signs are permitted:
 - a. only within the election period, beginning with the start of the nomination period and ending following general voting on election day;

- (c) Related to a plebiscite, referendum, or an alternate approval process petition, per third party sponsor:
 - a. No earlier than thirty (30) days prior to the date of the vote, or response deadline, and ending following voting day.
8. For a voting opportunity initiated by the federal or provincial Government:
- (a) No more than fifty (50) Small Election Signs and ten (10) Large Election Signs located on public property within the District of Kitimat boundary;
 - (b) Related to elections promoting a candidate or party, Election Signs are permitted:
 - a. only within the respective election period, beginning with the issuing of a writ of election and ending following general voting on election day;
 - (c) Related to a plebiscite, referendum, alternate approval process petition, per third party sponsor:
 - a. No earlier than thirty (30) days prior to the date of the vote, or response deadline, and ending following voting day.

Limitation on Distance between Election Signs

- 9. For a local government or school trustee election, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign of the same candidate.
- 10. For a federal or provincial election, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign of the same candidate or party
- 11. For a plebiscite, referendum, or alternate approval process, no person shall erect either a Small Election Sign or Large Election Sign on public property that is located within ten (10) meters of an Election Sign that shares support or opposition of the same position.

Enforcement

- 12. A Bylaw Enforcement Officer may remove, and the Chief Election Officer may order the removal of, an Election Sign that is place or permitted to be placed in contravention of any provision of the *Kitimat Municipal Code*.
- 13. An Election Sign removed in accordance with Section 9.3.12.10 will be stored at a District facility and may be claimed by the owner of the sign. The Bylaw Enforcement Officer or designate will make a reasonable attempt to identify and notify the owner of the Election Sign.

14. An Election Sign removed pursuant to Section 9.3.12.10 and not claimed within seven (7) business days, becomes the property of the District and may be destroyed or otherwise disposed of by the District without notice to the applicant of the sign permit.

9. This bylaw shall take effect and be binding upon all persons as from the date of adoption.

READ a first time this	16 th day of	May	,2022
READ a second time this	16 th day of	May	,2022
READ a third time this	16 th day of	May	,2022
THIRD READING rescinded this	30 th day of	May	, 2022
READ a third time this	13 th day of	June	,2022
FINALLY ADOPTED this	20 th day of	June	,2022

MAYOR

Original Signed

Phil Germuth

CORPORATE OFFICER

Original Signed

Kiona Enders