



CITY OF BROOKS BYLAW NO. 25/01

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO PROVIDE STANDARDS AND REGULATIONS FOR OUTDOOR PORTABLE ADVERTISING.

WHEREAS, the *Municipal Government Act* RSA 2000, c.M-26 and regulations as amended, provides that Council may pass Bylaws respecting people, activities and things in, or near a public place and the safety, health and welfare of people;

AND WHEREAS, the Council of the City of Brooks deems it necessary and appropriate to control and regulate the placement of Portable Signs;

NOW, THEREFORE the Council of the City of Brooks duly assembled enacts as follows:

1. BYLAW NAME

100. This Bylaw may be referred to as the “Portable Sign Bylaw”.

2. DEFINITIONS

200. In this Bylaw, unless the context otherwise requires:

201. “**A-Frame Sign**” (sandwich board) means an A-shaped sign which is set upon the ground and has no external supporting structure;

202. “**Act**” means the *Municipal Government Act*, RSA 2000, c M-26 and regulations made under the *Municipal Government Act* as amended or repealed and replaced from time to time;

203. “**Advertisement**” means any method, device or representation, used to call attention to or identify any matter, object, event or person;

204. “**Approving Authority**” means the Development Officer, Peace Officer or their duly authorized representative;

205. “**Authorized Sign Distributor**” means any person that has been designated as such by a resolution of Council;

206. “**Business Frontage**” means:

207. Any side of a separate property or building which abuts a public road, other than a lane; or,

208. In the case of individual businesses or tenants within a building, that portion of the frontage as defined above, occupied by such individual businesses or tenants.
209. **“Bylaw”** means the City of Brooks Bylaw No. 25/01 as may be amended from time to time;
210. **“Chief Administrative Officer”** means the Chief Administrative Officer of the City of Brooks regardless of any subsequent title that may be conferred on that officer by Council or statute, or their designate;
211. **“City”** means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;
212. **“Community Event Advertising”** means advertising that promotes a community group or event that serves the City of Brooks or surrounding area in a not-for-profit capacity;
213. **“Copy”** means text or images displayed on a sign.
214. **“Corner Visibility Triangle”** means the triangular area formed on a corner lot by:
215. two curb lines (where there is a curb) and a straight line which intersects them 7.5 metres (24.6 feet) from the corner where they meet; or,
216. two property lines (where there is not a curb) and a straight line which intersects them 5.5 metres (18.0 feet) from the corner where they meet.

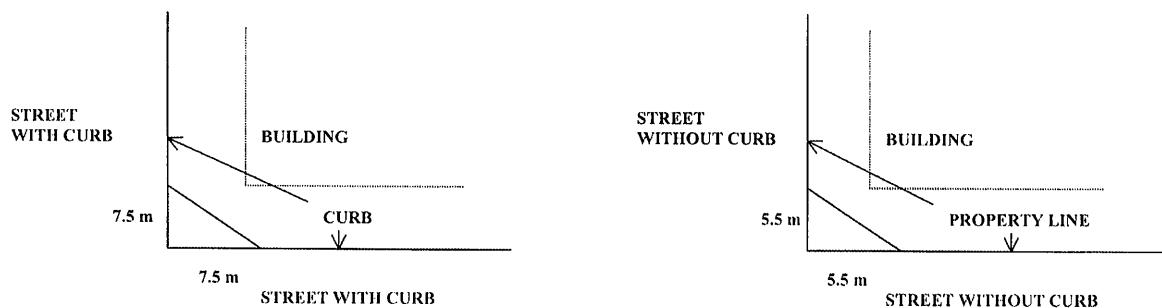


Figure 1 – Corner Visibility Triangle

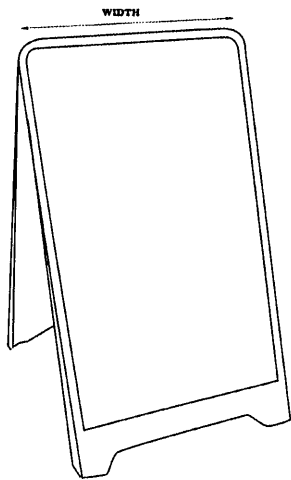
217. **“Council”** means the Municipal Council of the City of Brooks;
218. **“Development Officer”** means the person appointed as Development Officer by the Council of the City of Brooks;
219. **“Display”** means the construction, erection, installation, addition, repair, alteration or relocation of a sign;

220. **“Election Candidate Advertising”** means advertising that promotes an election candidate, whether municipal, provincial or federal;
221. **“Grade”** means the average ground surface elevation at the sign location, as determined by the approving authority;
222. **“Height of Sign”** means the vertical distance measured from the highest point of the sign to the average grade elevation;
223. **“Highway”** means any thoroughfare, Highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes a Sidewalk, including a boulevard adjacent to the Sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and 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 fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway as defined in *The Traffic Safety Act*, R.S.A. 2000, c. T-6;
224. **“Landscaped Boulevard”** means any landscaped area beside a City Highway that is maintained by the City of Brooks;
225. **“Owner”** shall mean:
226. When referring to the Owner of property:
227. A person or party that is shown as registered Owner of the property;
228. A person or party for whom the real property is held in trust; or,
229. A lessee of real property.
230. When referring to the Owner of a Portable Sign:
231. The lessor, licensor or distributor of the sign that retains ownership of or other proprietary interest in the sign;
232. **“Peace Officer”** means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;
233. **“Portable Sign”** means any sign which is mounted on a stand or other support structure which is designed in such a manner that the sign can be readily relocated but does not include A-Frame signs;
234. **“Sidewalk”** means that part of a Highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Highway between the curb line (or the edge of the roadway where there is no curb line) and the adjacent property line, whether or not it is paved or improved;

235. **“Sign Area”** means the entire area of a Portable Sign, measured to the outer perimeter of the Portable Sign, but does not include the supports, where applicable;
236. **“Third Party Advertising”** means content on a sign which directs attention to products sold or services provided which cannot be considered as the principal product sold or principal services provided on the premises at which the sign is located but does not include Community Event Advertising;
237. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Act;
238. **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto.

3. EXEMPTIONS

300. Advertisements specified in this Section are deemed permitted and may be displayed without application being made for a permit, provided that: any such Advertisements specified below shall be subject to the provisions of this Bylaw, all other orders, Bylaws and regulations affecting such Advertisements.



301. A-Frame signs, provided that:
302. The sign is limited to one (1) per business;
303. The sign is not illuminated;
304. The sign shall not contain Third Party Advertising;
305. The sign shall not obstruct pedestrian traffic in the opinion of the Approving Authority;
306. The overall height shall not be greater than 1.22 metres (4 feet) above the Grade;
307. The maximum width of the sign shall not exceed 0.92 metres (3 feet); and,
308. The sign shall not be placed on City owned property or a Landscaped Boulevard; however, Sidewalks shall be exempted.
309. Notwithstanding Subsections 306 and 307 above, within the Business Revitalization Zone (BRZ), as shown in Schedule “C” attached to and forming part of this Bylaw, the sign must be:
310. Of a height no greater than 0.92 metres (3 feet) above grade;
311. No wider than 0.61 metres (2 feet); and,
312. Placed as close to the building as possible.
313. Notices relating to the sale, lease or rental of the building or land on which they are placed, provided that:
314. The notice shall not be illuminated;
315. Each notice shall not exceed 0.6m² in residential areas. Where the use on the property is an apartment dwelling with ten (10) or more

- units, the notice shall not exceed 4.6m². In commercial and industrial districts, the notice shall not exceed 3.0 m²; and,
316. There shall be a limit of one (1) notice per property line with frontage on a public road.

4. PROHIBITED SIGNS

400. Unless otherwise allowed by Council, no Portable Sign shall be displayed anywhere within the City which:
- 401. Involves the use of revolving lights or beacons or emits amplified sounds or music;
 - 402. Will, in the opinion of the Approving Authority, block the natural light or the view of an adjacent building;
 - 403. Will, in the opinion of the Approving Authority, obstruct free and clear vision of vehicular traffic or may be confused with any authorized traffic sign, signal or device;
 - 404. Is, in the opinion of the Approving Authority, vulgar, obscene, or would be offensive to the public; and/or,
 - 405. Is illuminated and/or animated.

5. APPLICATION AND PERMITS

500. No Portable Sign shall be displayed or erected within the boundaries of the City, except as permitted in Section 3 of this Bylaw, unless an application for the display of the Portable Sign has been approved by the Approving Authority.
- 501. A permit is required to relocate a Portable Sign as per Subsection 716;
 - 502. A permit is not required to clean, repaint or repair an existing Portable Sign; and,
 - 503. A permit is not required to change copy on a Portable Sign provided no other alterations or changes are made.
504. Application for a permit, pursuant to this Bylaw, shall be made out on the official form, be accompanied by the fee prescribed by Council and provide the following information:
- 505. The legal description and civic address of the property, building or structure upon or to which the Portable Sign is, or is to be displayed or attached;
 - 506. The sign manufacturer's name and address;
 - 507. The applicant's name and address;

508. A letter of authorization and/or a signature on the application form from the Owner of the property or building, or an authorized agent;
509. A site plan showing the proposed location of the Portable Sign in relation to the property lines;
510. Size and location of all existing Portable Signs on the property;
511. Whether the Portable Sign will be in one (1) permanent location or will be moved from one (1) location to another from time to time; and,
512. A scale drawing of the Portable Sign showing:
 513. All dimensions of the Portable Sign structure;
 514. The area of the copy face(s);
 515. The design of the copy face;
 516. The type of construction and finish to be utilized; and,
 517. The method of supporting or attaching the Portable Sign, including structural and footing details.
518. The Approving Authority shall issue a permit if, in their opinion, the application complies with the provisions of this Bylaw and any other regulations to which the proposed Portable Sign must comply.
519. The Approving Authority may issue a permit subject to conditions.
520. The Approving Authority may refuse a permit for any Portable Sign, if, in their opinion:
 521. The display of such Portable Sign would be contrary to the provisions of this Bylaw;
 522. The information submitted regarding the Portable Sign is insufficient to enable them to adequately rule on the application; and/or,
 523. The Portable Sign may interfere or otherwise obstruct traffic control devices or in any way interfere with visibility of vehicular traffic.
524. An annual permit is required for each Portable Sign and permit fees are due and payable on or before December 31st of each year. A late payment fee will be added to the prescribed fee set out in Schedule "A" hereto and forming part of this Bylaw for each Portable Sign within the City to which the annual permit fee has not been paid before January 1st of the current year.
525. Every Portable Sign will be issued a yearly sticker to be attached to the Portable Sign in a visible location once the applicable annual permit fees are paid. The Licensee shall place the sticker on the corresponding Portable Sign.

526. Should an annual permit be issued after June 30th, in any year, the new permit fee shall be one-half of the appropriate annual permit fee.
527. In the event of a Portable Sign being displayed before an annual permit has been obtained, double the permit fee shall be charged as prescribed in Schedule "B".
528. No person shall display a Portable Sign differing from the approved information within the approved permit. If, during the process of the work, the applicant desires to deviate in any way from the terms of the original approved permit, they shall notify the Approving Authority and submit amended drawings, and, if necessary, shall make application for approval of the plans as amended.
529. No person shall display a Portable Sign displaying Election Candidate Advertising more than sixty days before the election the candidate is participating in.

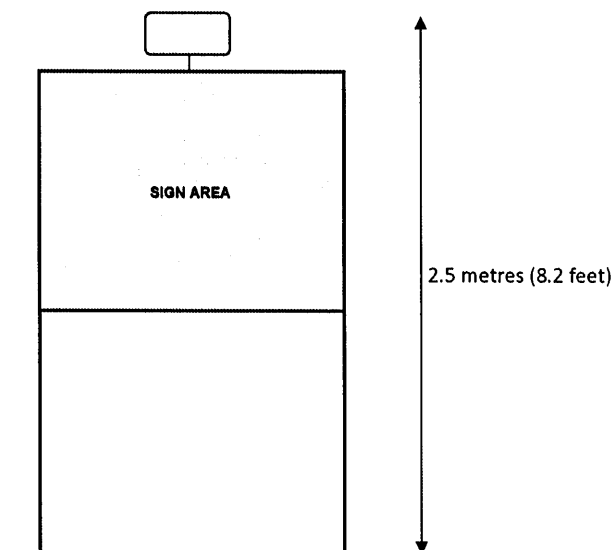
6. APPEAL PROCEDURE

600. An appeal may be lodged with Council by a person applying for a permit when the Approving Authority:
 601. Refuses to issue a permit;
 602. Fails to issue a permit within fifteen (15) business days of receipt of the completed application;
 603. Issues a permit subject to conditions; and/or,
 604. Issues an order pursuant to this Bylaw.
605. An appeal to Council shall be lodged by serving a written notice of appeal to Council through the Chief Administrative Officer within fourteen (14) days after:
 606. The person is notified of the order or decision or the issuance of the permit; and/or,
 607. If no decision is made with respect to the application for a sign permit, the fifteen (15) business day period referred to in Subsection 602 expires.
608. Council may, when considering an appeal, confirm, revoke or vary the order, decision or permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.
609. Any complaints received regarding Portable Signs, from any person, other than the Portable Sign Owner, will be forwarded to the Development Officer.
610. The Development Officer shall review the complaint and make the determination as to what, if anything, shall be done with the Portable Sign(s) that is the subject of the complaint and shall notify the complainant in writing.

611. Should the complainant disagree with the determination of the Development Officer, the complainant may, in writing, request Council to consider an appeal of the Development Officer's determination.
612. Council will consider each request and either allow or dismiss the appeal. If Council allows the appeal, and upon hearing the appeal, it may confirm, reverse or vary the decision of the Development Officer.

7. REGULATIONS

700. The provisions of this Bylaw shall apply to the issuance of permits or orders respecting the display of any Portable Sign(s) within the boundaries of the City.
701. On a commercial or industrial parcel, Portable Signs are limited to one (1) per property or business, whether the Portable Sign is displaying on-site business information or Third Party Advertising;
702. In addition to the provisions in Subsection 701, one (1) additional Portable Sign is permitted per parcel, either displaying Community Event Advertising or Election Candidate Advertising;
703. The area of the Portable Sign is not greater than 5.0 m²;
704. The height of the Portable Sign does not exceed 2.5 metres (8.2 feet);



705. No part of the Portable Sign shall project beyond the property line unless written permission is obtained from the Approving Authority;
706. A Portable Sign or sign structure shall not be located or extend horizontally closer than 0.5 metres (1.6 feet) from the curb line;
707. No Portable Sign shall be located within the Corner Visibility Triangle;

708. The required distance from overhead power and service lines as set forth in provincial regulations shall be maintained for all Portable Signs;
709. All Portable Signs shall be maintained in a satisfactory manner. The Portable Sign Area, background and copy shall be continuously maintained in clean, readable condition. There shall be no danger from structural components or fixtures;
710. A Portable Sign shall not obstruct door openings, passageways, walkways or fire escapes;
711. All Portable Signs shall be designed and constructed in accordance with good engineering practices and in conformity with the requirements of this Bylaw and Alberta Safety Codes Regulations wherever applicable;
712. No Portable Sign or sign support shall be placed on a property unless the landowner or their representative has granted permission to do so;
713. Portable Signs shall not be permitted on City owned property or a Landscaped Boulevard, with the exception of:
 714. The JBS Canada Centre (323 1st Street East, legally described as Plan 3230AM, Block D) for the duration of special events or programs held on the property. Such signs shall be removed within seventy-two (72) hours following the special event or program; or,
 715. Signs containing information regarding City events and programs. Such signs shall be removed within seventy-two (72) hours following the cessation of the special event or program.
716. If a Portable Sign is to be moved to a new location, the Development Officer must be informed in writing. The sign owner shall not move the sign to a new location without approval from the Development Officer; and,
717. Notwithstanding Subsection 716, an Authorized Sign Distributor may relocate a Portable Sign without providing notice to the Development Officer, provided that the Authorized Sign Distributor has purchased the required number of permits and all other provisions of this Bylaw are adhered to.

8. VARIANCES

800. Where there are requests for minor variances, the Development Officer shall have the authority to approve such requests. Minor variances are defined as:

801. Any application from a lessee, in good standing with the City, that is applying to place a Portable Sign on the portion of City owned property that they lease; or,
802. Any application for a non-profit special event or program, where:
 803. The event is being held on City owned property;
 804. There is a valid special event permit for the event, as per Bylaw 14/03, as may be amended or replaced from time to time; and,
 805. The Portable Sign will be placed on City owned property where the event or program is being held; or,
806. Any application to have directional signage placed on City owned property or a Landscaped Boulevard, for a non-profit special event being held on City owned property, the Silversage Agribition Grounds or Kinsmen Rodeo Grounds, provided that the Portable Sign(s) shall:
 807. not exceed two (2) in quantity;
 808. not be installed sooner than two (2) weeks prior to the event; and,
 809. be removed seventy-two (72) hours after the event.
810. Any application, where in the opinion of the Development Officer, the variance conforms with the intent of the Bylaw and has no material impact.
811. Requests outside the parameters defined in Subsections 801 – 810 shall be considered major variances and Council may consider such requests, according to the merits of each case.

9. REMOVAL OR REPAIR OF SIGNS

900. If any Portable Sign is erected without an approved permit, an approved permit lapses, a Portable Sign no longer complies with the terms of this Bylaw or a Portable Sign no longer complies with the terms of an approved permit, the Approving Authority may issue an order directing the Owner to remove, repair or modify the Portable Sign and the party or parties so ordered shall:
 901. Remove, repair or modify such Portable Sign and all related structural components in accordance with the terms of the order within fifteen (15) days from the date of receipt of such notice from the Approving Authority; and,
 902. Restore the immediate area around the Portable Sign, to the satisfaction of the Approving Authority, including the ground or any building to which the Portable Sign was attached, as close as possible to its original form prior to the installation of the Portable Sign.

903. If a person or party fails or refuses to comply with an order issued by the Approving Authority pursuant to the terms of this Bylaw, the Approving Authority, or person appointed by the Approving Authority, may enter on the land or premises and take any action necessary to carry out the order. Where the Approving Authority or a person appointed by it carries out an order, the costs and expenses incurred by the City in carrying out the order shall be a debt due and owing to the City by the person or party to whom the notice was given and in the case where the notice is given to an Owner of the land and premises on which the Portable Sign is located, Council may cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and the amount shall be collected in the same manner as taxes on land.
904. In the event the Portable Sign is removed by an agent of the City, the Portable Sign will not be released to the Owner until a valid Portable Sign permit can be obtained and the assigned penalties as prescribed in Schedule "B" have been paid. Should the Portable Sign remain unclaimed by the Owner for a period of six (6) months; the Portable Sign may be sold or destroyed.

10. PENALTIES AND OFFENCES:

1000. Any person who contravenes any provision of this Bylaw is guilty of an offence and shall pay a specified penalty as outlined in Schedule "B" attached.
1001. Any person designated as an Authorized Sign Distributor may have their designation revoked by Council if the Authorized Sign Distributor contravenes any provisions of this Bylaw.

11. ENFORCEMENT:

1100. A Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.
1101. Any person who breaches any provision of the Bylaw is guilty of an offence and liable:
- 1102. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule "B" attached to and forming part of this Bylaw; or,
 - 1103. upon summary conviction to a fine of not less than the amount specified on Schedule "B" attached to and forming part of this Bylaw for each offence, exclusive of costs.
1104. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.
1105. A Violation Tag shall be deemed to be sufficiently served if:
- 1106. served personally on the accused; or,

1107. mailed to the address of the registered Owner of the property concerned or to the person concerned; or,
 1108. served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any premises of a licensee accused, or by mailing a copy to such licensee by registered mail.
1109. A Violation Tag shall state:
1110. the name of the person;
 1111. the municipal or legal description of the land on or near where the offence took place;
 1112. the offence;
 1113. the penalty for the offence set out on Schedule "B" of this Bylaw;
 1114. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
 1115. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the *Provincial Offences Procedure Act*, RSA 2000, c P-34 as amended.
 1116. Where a breach of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer and the offender shall be subject to a penalty for each subsequent offence as outlined in Schedule "B".
 1117. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
 1118. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
 1119. If a person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
 1120. Any person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time.

12. SEVERABILITY:

1200. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions herein shall remain valid and enforceable.

13. REPEAL OF BYLAW

1300. That Bylaw 21/09 and any amendments thereto be hereby repealed.

14. EFFECTIVE DATE:

1400. This Bylaw shall come into force and take effect on the date of final passing.

Read a first time this 3rd day of February, 2025.

Read a second time this 3rd day of February, 2025.

Read a third time and finally passed this 3rd day of February, 2025.



Mayor



Chief Administrative Officer

**BYLAW NO. 25/01
SCHEDULE "A"**

PORTABLE SIGN PERMIT FEES

1.	Portable Signs	\$160.00
2.	Renewal - Late Payment Fee (as per Subsection 524)	\$50.00

**BYLAW NO. 25/01
SCHEDULE "B"****SPECIFIED PENALTIES**

Bylaw Subsection:	Offence Description:	Penalty:
527	Failure to hold a valid Portable Sign permit before placement of the Portable Sign	Double the Permit Fee
1101	Contravention of this Bylaw	\$200.00

**BYLAW NO. 25/01
SCHEDULE "C"
BUSINESS REVITALIZATION ZONE**

