

**BYLAW NO. 25-01
TOWN OF FALHER**

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE LEASING OF SIGNAGE SPACES WITHIN PUBLIC LANDS ALONG MAIN STREET.

WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; businesses, business activities and persons engaged in business; and services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to Section 8 of the *Municipal Government Act*, RSA 2000, c M-26, Council may in a bylaw regulate or prohibit; deal with any development, activity, industry, business or thing in different ways; and provide for a system of licences, permits or approvals, including establishing fees for licences, permits and approvals

AND WHEREAS, Council of the Town of Falher has deemed it appropriate to regulate the leasing of space for the installation of freestanding signs along Mainstreet Right of Way through a separate bylaw rather than through the Land Use Bylaw.

NOW THEREFORE, The Council of the Town of Falher, in the Province of Alberta, duly assembled, enacts as follows:

1) Title

- a) This Bylaw may be referred to as the "Free Standing Signs Along Main Street Bylaw".

2) Purpose and Application

- a) The purpose of this Bylaw is to establish regulations for the development and management of Freestanding Signs Along Public Right-Of-Ways, including but not limited to, the Eastern portion of Municipal lands along Main Street.

3) Definitions

In this Bylaw, words have the same meanings assigned to them in the *Municipal Government Act*, except that:

- a) "Account Holder" means the designated owner and operator of a Sign and Sign Site, as applied for a Development Permit application for the Free Standing Sign and is responsible for maintenance of the Sign and payment of the Maintenance Fees due to the Municipality.
- b) "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- c) "Business License" means a license issued to an organization or a commercial, merchandising or industrial activity or undertaking a profession, trade, occupation, calling or employment or an activity providing goods and services, and whether or not for profit and however organized or formed, including a cooperative or association of persons as per the Town of Falher's Business License Bylaw.
- d) "CAO" means the Chief Administrative Officer of the Municipality, or their delegate;
- e) "Council" means the Council of the Town of Falher.
- f) "Development Officer" means a person appointed as the Development Officer by Council in accordance with the Development Authority Bylaw of the Town of Falher.
- g) "Development Permit" means a Development Permit, as defined in the Land Use Bylaw.
- h) "Freestanding Sign" means a Sign erected or installed into the ground that stands independently of a building, wall or other structures. For the purpose of this Bylaw, it includes all infrastructure developed in a Sign Site, including the Sign, Posts, and other ancillary infrastructure used in support of the Sign. This encompasses a Sign that is erected in the ground and permanently supported by 2 Posts.

- i) "Maintenance Fee" means an amount owed to the Municipality for maintaining the landscaping and public lands surrounding the Sign Sites.
- j) "Municipality" means the municipal corporation of the Town of Falher.
- k) "Organization" means the institution, business, group, profession, enterprise, industry, or society, seeking to develop a Sign in one of the Sign Sites.
- l) "Post" means a long, sturdy, vertical support, of timber set upright in the ground and used to support the Sign.
- m) "Priority List" means the list of requests from Organizations who wish to develop a Sign Site for advertising their Organization. The list is managed by the Municipality. Requests are placed on the list in the order they are received, in effect forming a wait list.
- n) "Sign" means the flat structure, fixed to posts, used to identify, advertise or attract attention to the organization advertised and is intended to be seen from one side only at the location where the Sign is located.
- o) "Sign Site" means the specific, limited, designated, pre-determined, physical location along Mainstreet designated by the Municipality for the development of a Freestanding Sign, as shown in in Schedule 'A' of this Bylaw.

4) Interpretation

- a) Headings and subheadings in this bylaw are for ease of reference and do not affect the meaning of the provisions to which they relate.

5) Management of Sign Sites

- a) No person or organization shall install a Free Standing Sign along Mainstreet without approval from the Municipality's Development Authority.
- b) A Development Permit is required prior to construction of Free Standing Signs along Main Street Right of Way.
- c) Freestanding Signs along public Right-Of-Ways shall only be developed in Sign Sites that are pre-approved by the Municipality, as shown in Schedule 'A', attached to and forming a part of this Bylaw.
- d) Requests by Organizations interested in obtaining a Sign Site (and becoming the Account Holder) shall be received and managed by the Municipality in the order in which they are received.
- e) Account Holders are prohibited from selling their Sign Site directly to another Organization. All Sign Site allocations shall be coordinated and completed by the Municipality in a prioritized order as outlined within this Bylaw.
- f) Should the number of interested Organizations outnumber the available Sign Sites, the list shall remain in a priority order that it was received, effectively forming a waitlist.
- g) Account Holders and Organizations who have been removed from the Priority List for any reasons, including but not limited to Sign Site forfeiture due to non-payment of Maintenance Fees, (or other) may request to be placed on the priority list once again. Such requests shall be received as new request, and preference shall not be given to previous Account Holders. All requests are prioritized in the order they are received and as such these requests shall be placed at the bottom of the list.
- h) Organizations on the Priority List will be contacted once a Sign Site becomes vacant or available. Availability or vacancy may occur as a result of nonrenewal or forfeiture by previous Account Holders.
- i) Account Holders own all physical infrastructure involved in the development of a Freestanding Sign, including the Posts and Sign itself.
- j) When an Organization is notified of a Sign Site vacancy or availability, it is the responsibility of that Organization and the previous Account Holder to reach a sale agreement for the ownership transfer of any infrastructure that may carry over between Account Holders. Should the parties not reach an agreement for the sale of the infrastructure, the outgoing Account Holder shall be wholly responsible for the immediate removal of all infrastructure as forfeiture.

6) Process of Obtaining A Sign Site

- a) Pursuant to Section 5)a) of this Bylaw, Organizations may inquire from the Municipality regarding the availability of Sign Sites.



- b) In the event that no Sign Sites are available, the Organization may request to be placed on the Priority List for no charge. This request can be submitted in person, by phone, or by email.
- c) As Sign Sites become available, the Municipality shall contact Organizations on the Priority List for an opportunity to obtain the Sign Site.
- d) Should an Organization wishes to develop a vacant Sign Site, they must:
 - i) Submit & obtain an approved development permit application from the Municipality (one time application; standard fees apply)
 - ii) Reach an agreement with the current Account Holder of the Sign Site for the purchase and transfer of ownership of Freestanding Sign infrastructure, (if applicable)
 - iii) Hold a current and active Business License with the Municipality (annual renewal fees apply)
 - iv) Pay annual Maintenance Fees (annual renewal beginning in their 2nd calendar year)
- e) Upon issuance of a Development Permit for developing a Sign Site, an Organization shall be removed from the Priority Waiting List.
- f) Organizations with an approved Development Permit shall comply with all applicable terms and conditions of the permit as stated on the permit and in the Land Use Bylaw, including the requirement to complete the development within 12 months from the date of approval. Sign Sites that remain undeveloped after 12 months shall be immediately forfeited and offered to the next Organization on the Priority List.

14) Sign Restrictions

- a) Only Free Standing Signs that meet the requirements of Section 15 shall be allowed on Main Street Public Right of Way. The Municipality shall remain exempt from these requirements.
- b) Unless otherwise approved, no type of Sign shall be installed along Main Street Public Right of Way.

15) Design Standards & Specifications

- a) Freestanding Signs and their structural supporting elements shall be constructed of materials designed for permanent, all-season, use, including but not limited to, pressure treated wood. Materials of similar and suitable build quality may be considered by the Development Authority.
- b) Signs shall be supported by 2 Posts.
- c) Signs shall be angled in an orderly and similar manner.
- d) Signage shall only be permitted on 1 side of the Sign. This side shall be the south facing side.
- e) Lighting of Signs is prohibited for reasons of traffic safety.
- f) The following specifications shall apply:
 - i) Sign Size: 1.2 x 2.4 m (4 x 8 ft.) with the Sign mounted to plywood with a minimum thickness of 19.05mm (¾ inch)
 - ii) Post Size: 15.2 x 15.2 cm (6 x 6 in.)
 - iii) Elevation: Between 1.06 to 1.22 m (3.5 to 4ft.) from ground level to bottom of sign
 - iv) Spacing: Minimum 15.24 m (50 ft.) between signs
 - v) Distance from the centre point of road: 21.3 m (70 ft.)

16) Sign Maintenance

- a) All Account Holders are required to maintain their Freestanding Signs in good order.
- b) The Municipality shall conduct inspections to assess the condition of Freestanding Signs and compliance with other aspects of this Bylaw, as deemed appropriate.
- c) Account Holders whose Signs and/or supporting infrastructure are deemed to be in unsatisfactory conditions, including but not limited to unsightly conditions, delapidated infrastructure, vandalism or posing a danger to public safety, shall be

notified by the Municipality and be required or ordered to remedy those conditions through repair and/replacement, as deemed appropriate.

- d) Account Holders that fail to comply with any directives or orders issued by the Municipality to remedy unsatisfactory conditions of their Sign or related infrastructure shall be deemed as forfeiting their Sign Site, thus authorizing the Municipality to remove any and all Signs and infrastructure (fees apply, see below).

17) Fees, Forfeiture, & Enforcement

- a) Organizations successful in obtaining a Sign Site shall be required to obtain and maintain a valid Business License from the Municipality, unless otherwise exempted, pursuant to the Business License Bylaw. Where it is determined that an Organization does not hold a valid Business License upon their initial Sign Site Development Permit Application being approved, a valid Business License shall be required immediately.
- b) Should an Account Holder fail to renew their annual Business License prior to February 1 of each year, the Municipality reserves the right to consider non-payment as forfeiture of the Sign Site by the Account Holder.
- c) Annual Maintenance fees will be established by resolution of Council.
- d) Maintenance Fees shall be invoiced to the Account Holder annually on or before May 1st, and shall be payable to the Municipality no later than May 31st of each year.
- e) Failure to receive an invoice for Maintenance Fees is not considered sufficient reason for non-payment of the account.
- f) Maintenance Fees paid between June 1st and June 15th shall be subject to a \$50 late payment penalty fee.
- g) Accounts with an unpaid Maintenance Fee after June 15th shall be deemed to have their Sign Site forfeited, and shall have until June 30th to remove their Sign.
- h) After June 30th, the Municipality reserves the right to remove any Signs on Sign Sites deemed to have been forfeited. Upon Municipal removal of such Signs, the Account Holder shall coordinate arrangements for obtaining their removed Sign.
- i) Signs removed by the Municipality that remain uncollected after 90 days, shall be disposed of by the Municipality.
- j) Account Holders shall be invoiced \$350 for Sign removal if the work is completed by the Municipality. Reasons for removal may include but are not limited to dilapidated and forfeited Sign Sites.

18) Exemptions

- a) Organizations with clear ownership or operational coordination with the Municipality may be granted exemption to annual Maintenance Fees. Including but not limited to any municipal library. Decisions on exemptions shall be evaluated and decided upon at the discretion of the CAO with the option for consultation with Council.

19) Severability

- a) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed

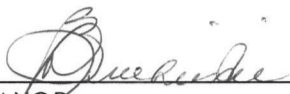
20) Enactment

- a) This Bylaw shall come into force and effect when it receives third reading and is duly signed.

READ a first time this 12th day of MARCH, 2025

READ a second time this 12th day of MARCH, 2025

READ a third time and finally passed this 12th day of MARCH, 2025



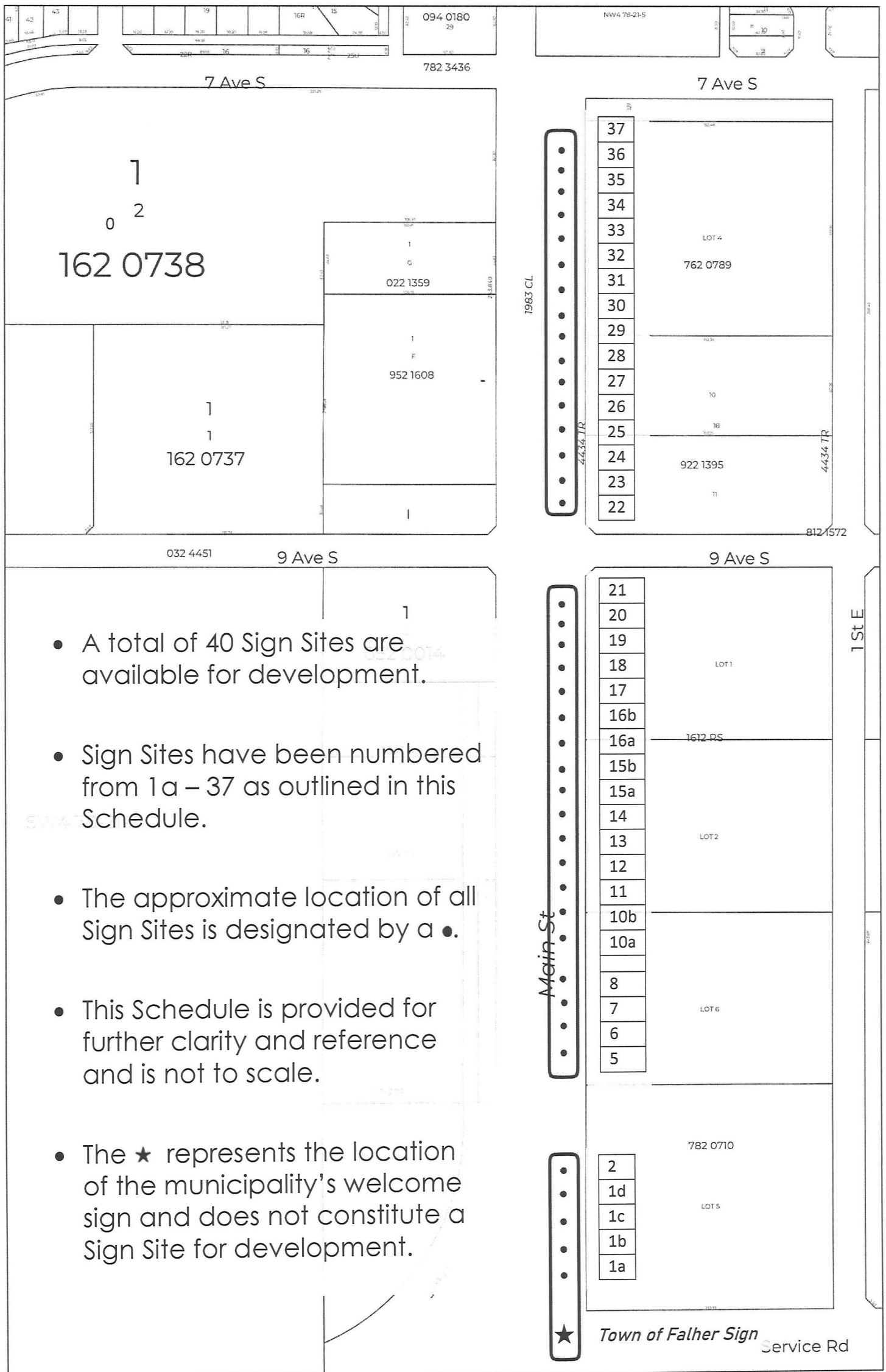
MAYOR



MUNICIPAL ADMINISTRATOR

SCHEDULE "A"

Sign Sites and Numbering Along Main Street Public Right of Way



- A total of 40 Sign Sites are available for development.
- Sign Sites have been numbered from 1a – 37 as outlined in this Schedule.
- The approximate location of all Sign Sites is designated by a ●.
- This Schedule is provided for further clarity and reference and is not to scale.
- The ★ represents the location of the municipality's welcome sign and does not constitute a Sign Site for development.

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