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City of Port Moody General Local Government Election Bylaw, 2011 No. 2897

A bylaw to provide for the determination of various procedures for the conduct of local government elections, by-elections and other voting

WHEREAS under Parts 3 and 4 of the *Local Government Act*, the Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of **general local elections** and other voting;

AND WHEREAS, Council wishes to establish various procedures and requirements under that authority;

NOW THEREFORE the Council of the City of Port Moody in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited for all purposes as "General Local Government Election Bylaw, 2011", No. 2897.

2. Repeal

- 2.1 Bylaw No. 2781 cited as "General Local Government Election Bylaw" and all amendments thereto are hereby repealed.
- 2.2 Bylaw No. 2784 cited as "Automated Voting Machines Authorization Bylaw, 2008" and all amendments thereto are hereby repealed.

3. Interpretation

In this Bylaw, unless the context requires otherwise:

Acceptable mark means a completed arrow or completed oval that the **vote counting unit** is able to identify, and that has been made by an elector in the space provided on the **ballot** opposite the name of any candidate or opposite either 'yes' or 'no' on any other voting question.

Automated vote counting system means a system that counts and records votes and processes and stores election results and is comprised of the following:

- a) a number of **ballot** scan **vote counting units**, each of which rests on a two compartment **ballot** box, one compartment of which is for:
 - (i) voted **ballots**, and
 - (ii) **returned ballots** that have been reinserted using the **ballot override procedure**;

and the other for the temporary storing of voted **ballots** during such time as the **vote counting unit** is not functioning; and

 a number of portable ballot boxes into which voted ballots are deposited where a vote counting unit is not being used, for counting after the close of voting on general voting day.

Ballot means a single automated ballot card designed for use in an **automated vote counting system**, which shows:

- a) the names of all of the candidates for each of the offices to be filled;
- b) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought.

Ballot return override procedure means the use, by an election official, of a device on a **vote counting unit** that causes the unit to accept a **returned ballot**.

Election headquarters means City of Port Moody, City Hall, 100 Newport Drive.

Election materials transfer box means a box issued to presiding election officials for transfer of election materials between election headquarters and voting locations into which is deposited prescribed election materials and documents for safe and secure transfer of such materials and documents.

Emergency ballot compartment means one of two separate compartments in the **ballot** box under each **vote counting unit** into which voted **ballots** are temporarily deposited in the event that the unit ceases to function.

General Local Election means elections provided for in the *Local Government Act* and includes school trustee elections, by-elections and other voting.

General voting day means general voting day as defined in the *Local Government Act* and includes by-elections.

Memory pack means a computer software cartridge that plugs into the **vote counting unit** and into which is programmed:

- a) the names of all of the candidates for each of the offices to be filled; and
- b) the alternatives of 'yes' or 'no' for each bylaw or other matter on which the assent or opinion of the electors is being sought;

and a mechanism to record and retain information on the number of **acceptable marks** made for each.

Portable ballot box means a ballot box that is used during voting where a vote counting unit is not being used.

Results tape means the printed record generated from a **vote counting unit** at the close of voting on **general voting day** which shows the number of votes for each

candidate for each of the offices to be filled; and the number of votes for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

Returned ballot means a voted **ballot** that was inserted into the **vote counting unit** by the elector but was not accepted and was returned to the elector with an explanation of the **ballot** marking error which caused the **ballot** not to be accepted.

Secrecy sleeve means an open-ended folder or envelope used to cover **ballots** to conceal the choices made by each elector.

Vote counting unit means the device into which voted ballots are inserted and which scans each ballot and records the number of votes for each candidate and for and against each bylaw or other matter on which the assent or opinion of the electors is sought.

4. Use of Provincial List of Voters as the Register of Resident Electors

For the purposes of all local elections and submissions to the electors under the *Local Government Act*, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to **general voting day** for such elections and submissions to the electors. No advance registration of voters shall be required except when registering as a non-resident property elector.

5. Authorization for Use of Voting Machines

Council hereby authorizes the use of an **automated vote counting system** for the conduct of elections and other voting that may, from time to time, be required.

6. Automated Voting Procedures

- As soon as an elector enters the voting place, they must be instructed to proceed to the election official(s) responsible for issuing **ballots**, who:
 - a) must ensure that the elector:
 - (i) is qualified to vote in the election
 - (ii) completes the voting book; and
 - b) upon fulfillment of the requirements of clause (a) must:
 - (i) offer a demonstration of how to use the **automated vote** counting system; and
 - (ii) provide a **ballot** to the elector, a **secrecy sleeve** to the elector if requested, and any further instructions the elector requests.
- 6.2 Upon receiving a **ballot**, the elector must immediately proceed to a voting booth to mark the **ballot**.
- 6.3 The elector may vote only by making an acceptable mark on the ballot:

- beside the name of each candidate of choice up to the maximum number of candidates to be elected for each of the offices to be filled;
 and
- b) beside either "yes" or "no" in the case of each bylaw or other matter on which the assent or opinion of the electors is sought.
- Once the elector has finished marking the **ballot**, the elector must place the **ballot** into the **secrecy sleeve**, if applicable, proceed to the **vote counting unit** and under the supervision of the election official in attendance, insert the **ballot** directly from the **secrecy sleeve**, if applicable, into the **vote counting unit** without the marks on the **ballot** being exposed.
 - a) If, before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking a ballot or if the ballot is returned by the vote counting unit, the elector may request a replacement ballot by advising the election official in attendance.
 - b) Upon being advised of the replacement **ballot** request, the presiding election official, or alternate presiding election official, shall issue a replacement **ballot** to the elector and mark the **returned ballot** "spoiled" and shall retain all such spoiled **ballots** separately from all other **ballots** and they shall not be counted in the election.
 - c) If the elector declines the opportunity to obtain a replacement **ballot** and has not damaged the **ballot** to the extent that it cannot be reinserted into the **vote counting unit**, the election official shall, using the **ballot return override procedure**, reinsert the **returned ballot** into the **vote counting unit** to count any **acceptable marks** that have been made correctly.
 - d) Any **ballot** accepted by the **vote counting unit** is valid and any **acceptable marks** contained on such **ballots** will be counted in the election subject to any determination made under a judicial recount.
 - e) Once the **ballot** has been inserted into the **vote counting unit** and the unit indicates that the **ballot** has been accepted, the elector must immediately leave the voting place.
 - f) During any period that a **vote counting unit** is not functioning, the election official supervising the unit must direct electors to insert their **ballots** into the **emergency ballot compartment.**
 - g) When the vote counting unit which was not functioning becomes operational, or is replaced with another vote counting unit, the ballots in the emergency ballot compartment must, as soon as the voting place is closed, and prior to generating the results tape, be removed by an election official and under the supervision of the presiding election official be inserted into the vote counting unit to be counted.

- h) Any ballots which were temporarily stored in the emergency ballot compartment and are returned by the vote counting unit when being counted must, through the use of the ballot return override procedure, and under the supervision of the presiding election official, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.
- i) A sample of the **ballot** that may be used in an **automated vote counting system** is attached as Schedule "A" to this Bylaw.

7. Advance Voting Opportunity Procedures

- 7.1 **Vote counting units** shall be used to conduct the vote at all advance voting opportunities and voting procedures at the advance voting opportunities shall follow as closely as possible those described in Section 6 of this Bylaw.
- 7.2 At the close of voting at each advance voting opportunity, the presiding election official in each case shall ensure that:
 - a) no additional ballots are inserted in the vote counting unit or emergency ballot compartment;
 - b) the vote counting unit, emergency ballot compartment and ballot box are sealed to prevent insertion of any ballots;
 - c) the **results tapes** in the **vote counting units** are not generated; and
 - d) the **memory pack** of the **vote counting unit** is secured.
- 7.3 At the close of voting at the final advance voting opportunity the presiding election official must:
 - a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
 - b) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - c) ensure that the **results tapes** in the **vote counting units** are not generated; and
 - d) ensure that the **memory pack** of the **vote counting unit** is secured;
 - e) deliver the **vote counting unit**, together with the **memory pack** and all other election materials, to the chief election officer at **election headquarters**.

8. Special Voting Opportunity Procedures

- Unless the chief election officer determines it is practical to use a **vote counting unit**, a **portable ballot box** shall be used for all special voting opportunities and the presiding election official appointed to attend at each special voting opportunity shall proceed in accordance with Sections 6.1, 6.2, 6.3, and 6.4 of this Bylaw so far as applicable, except that the voted **ballots** shall be deposited into the **portable ballot box** supplied by the chief election officer.
- 8.2 The presiding election official at a special voting opportunity shall ensure that the **portable ballot box** is secured when not in use and at the close of voting at the final special voting opportunity, the presiding election official shall seal the **portable ballot box** and return it together with all other election materials to the custody of the chief election officer.
- 8.3 If a **vote counting unit** is in use at a special voting opportunity, the presiding election official appointed to attend the special voting opportunity shall follow the procedures outlined in Section 7 of this Bylaw as it if were an advance voting opportunity.

9. Procedures After the Close of Voting on General Voting Day

- 9.1 After the close of voting on general voting day, each presiding election official, except those responsible for advance voting and any special voting opportunities, and for mail **ballot** voting, shall:
 - ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
 - b) secure the **vote counting unit** so that no more **ballots** can be inserted;
 - c) generate two copies of the **results tape** from the **vote counting unit**:
 - d) remove the memory pack from the vote counting unit and have the alternate presiding election official, or other designated election official, deliver it along with the security key and one copy of the results tape to the chief election officer at election headquarters;
 - e) complete the **ballot** account in duplicate to account for the unused, spoiled and voted **ballots** and place one copy in the **election materials transfer box**;
 - f) package and seal separately the unused, spoiled and voted **ballots** and place them, along with the following items, into the **election materials transfer box** for return to **election headquarters**:
 - (i) one copy of the Ballot Account;
 - (ii) one copy of the results tape;
 - (iii) any keys used for the **vote counting unit**:
 - (iv) the voting books and/or copies of the List of Registered Electors; and

- (v) any solemn declarations taken and any signed written statements required by or under the *Local Government Act* in relation to voting proceedings;
- g) seal the **ballot** box and **election materials transfer box**; and
- h) ensure that at least two election officials remain at the voting location until the remaining election materials and **ballot** box(s) are retrieved by officials designated by the chief election officer for transport to **election headquarters**.

9.2 Recount Procedure

If a recount is required, it shall be conducted under the direction of the chief election officer using the **automated vote counting system** and generally in accordance with the following procedure:

- a) the **memory packs** of all **vote counting units** will be cleared;
- b) **vote counting units** will be designated for each voting place;
- c) all **ballots** will be removed from the sealed **ballot** boxes; and
- all ballots, except spoiled ballots, will be reinserted in the appropriate vote counting units under the supervision of the chief election officer; and
- e) any **ballots** returned by the **vote counting unit** during the recount process must, through the use of the **ballot return override procedure**, be reinserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.
- 10. Procedures after the Close of Voting on General Voting Day for Advance Voting, Special Voting and Mail Ballot Voting
 - 10.1 After the close of voting on **general voting day** the chief election officer must:
 - a) direct the presiding election officials for the advance voting and any special voting opportunities, or another election official under the direction of the chief election officer, to proceed in accordance with Section 9.1, so far as applicable; and
 - b) direct an election official to open any portable ballot boxes used for mail ballot voting or special voting opportunities if a vote counting unit has not been used, and to remove and insert all ballots into vote counting units to be counted, after which the provisions of section 9.1, so far as applicable, apply.

11. Additional Required Advance Voting Opportunity

The additional required advance voting opportunity will be held on the seventh day before **general voting day**.

12. Additional Advance Voting Opportunities

The chief election officer is authorized to establish additional advance voting opportunities for each election or other voting, to be held in advance of **general voting day** and, subject to the *Local Government Act*, to designate the voting places, and establish the date and the voting hours for these voting opportunities.

13. Additional General Voting Opportunities

The chief election officer is authorized to establish additional general voting opportunities for **general voting day** for each election or other voting and, subject to the *Local Government Act*, to designate the voting places and voting hours for such voting opportunities.

14. Mail Ballot Authorization and Procedures

14.1 Mail Ballot Authorization

- a) Voting by mail ballot and elector registration by mail in conjunction with mail ballot voting is hereby authorized for General Local Elections and by-elections.
- b) The only electors who may vote by mail **ballot** are the following:
 - (i) persons who have a physical disability, illness, or injury that affects their ability to vote at another voting opportunity;
 - (ii) persons who expect to be absent from the City of Port Moody on **general voting day** and at the times of all advance voting opportunities.

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14.2 Mail Ballot Application Procedure

- The Chief Election Officer shall establish the time limits in relation to voting by mail ballot.
- b) A Person wishing to vote by mail **ballot** shall apply by giving their name and address to the Chief Election Officer, or to the person designated by the Chief Election Officer for such purposes, during the period established by the Chief Election Officer for Mail Ballot application.
- c) Upon receipt of a request for a mail ballot, the Chief Election Officer or his or her designate shall:
 - (i) make available to the applicant, a mail **ballot** package as specified in the *Local Government Act*, together with a statement

advising the elector that the elector must meet one or more of the mail **ballot** criteria specified in Section 14.1(b) of this Bylaw, and that they must attest to such fact; and

- (ii) immediately record and, upon request, make available for inspection:
 - (i) the name and address of the person to whom the mail **ballot** package was issued; and
 - (ii) information as to whether the person is registered as an elector, or is a new elector, if that person is not on the register of electors.

14.3 Mail Ballot Voting Procedure

- a) To vote using a mail **ballot**, the elector must mark the **ballot** in accordance with the instructions contained in the mail **ballot** package provided by the chief election officer.
- b) After marking the mail **ballot**, the elector shall:
 - (i) place the mail **ballot** in the secrecy envelope provided and seal the secrecy envelope;
 - (ii) place the secrecy envelope in the certification envelope, and complete and sign the certification printed on such envelope, and then seal the certification envelope;
 - (iii) place the certification envelope, together with a completed elector registration application, if required, in the outer envelope, and then seal the outer envelope;

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(iv) at the elector's own cost, mail, or have delivered, the outer envelope and its content to the Chief Election Officer at the address specified so that it is received no later than the close of voting on general voting day.

14.4 Mail Ballot Acceptance or Rejection

- a) Until 4:00 p.m. on the Thursday two days before general voting day, upon receipt of each mail **ballot** envelope and its contents, the chief election officer must immediately record the date of such receipt and shall then open the outer envelope and remove and examine the certification envelope and the completed elector registration application, if applicable, and if satisfied as to:
 - (i) the identity and entitlement to vote of the elector whose **ballot** is enclosed; and
 - (ii) the completeness of the certification; and

(iii) the fulfilment of the requirements of the *Local Government Act* in the case of a person who is registering as a new elector;

the chief election officer must mark the certification envelope as "accepted", and must retain all such certification envelopes in secure custody in order to deal with any challenges made in accordance with Section 14.5 of this Bylaw.

- b) The unopened certification envelopes shall remain in the custody of the chief election officer until 4:00 pm on the Thursday two days before **general voting day**, at which time the certification envelopes containing the secrecy envelopes shall be opened in the presence of at least one other person, including any scrutineers present.
- c) At 4:00 pm on the Thursday two days before **general voting day**, the chief election officer shall place all secrecy envelopes received up until that time into a **ballot** box specified for such purpose, where such secrecy envelopes were received from persons whose right to vote using a mail **ballot** has not been challenged, or where such challenge has been resolved and the challenged person permitted to vote.
- d) Where an outer envelope and its contents are received by the chief election officer between 4:00 pm on the Thursday two days before general voting day and the close of voting on general voting day, the provisions of Section 14.4(a) of this Bylaw with regard to ballot acceptance shall apply and the chief election officer shall retain such envelopes in their possession until the close of voting and at that time shall open such certification envelopes in the presence of at least one other person, including any scrutineers present, and place the secrecy envelope containing the ballot into the ballot box containing the other unopened secrecy envelopes.
- e) As soon as possible after all of the secrecy envelopes have been placed in the **ballot** box designated for that purpose, the **ballot** box shall be opened under the supervision of the chief election officer, and in the presence of at least one other person and any scrutineers present, the secrecy envelopes shall be opened and the **ballots** contained therein must be inserted into the **vote counting unit** to ensure that any **acceptable marks** are counted.

f) Where:

- (i) upon receipt of an outer envelope, the chief election officer is not satisfied as to the identity of the elector whose **ballot** is enclosed; or
- (ii) in the case of a person required to complete an application for registration as an elector, such application has not been completed in accordance with the *Local Government Act*; or
- (iii) the outer envelope is received by the chief election officer after the close of voting on **general voting day**;

the certification envelope must remain unopened and the chief election officer must mark such envelope as "rejected", and shall note the reasons therefore, and the **ballot** contained therein shall not be counted in the election.

g) Any certification envelopes and their contents rejected in accordance with Section 14.4(f) of this Bylaw must remain unopened and are subject to the provisions of the *Local Government Act* with regard to their destruction.

14.5 Mail Ballot Challenge of Elector

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- A person exercising the right to vote by mail **ballot** may be challenged in accordance with and on the grounds specified in the *Local* Government Act:
- b) The provisions of the *Local Government Act* apply, so far as applicable, where a challenge of an elector using a mail **ballot** has been made.

14.6 Mail Ballot Elector's Name Already Used

Where, upon receiving a request for a mail **ballot**, the chief election officer determines that another person has voted or has already been issued a mail **ballot** in the elector's name, the provisions of the *Local Government Act* apply, so far as applicable.

14.7 Replacement of Spoiled Ballot

- a) Where an elector unintentionally spoils a mail ballot before returning it to the chief election officer, the elector may request a replacement ballot by advising the chief election officer of the ballot spoilage and by mailing or otherwise delivering by any appropriate means, the spoiled ballot package in its entirety to the chief election officer.
- b) The chief election officer must, upon receipt of the spoiled **ballot** package, record such fact, and proceed in accordance with Section 14.2 (b) of this Bylaw.

15. Special Voting Opportunities

- 15.1 The chief election officer is authorized to establish special voting opportunities for each election or other voting and to designate the locations, the date and the voting hours for the special voting opportunities.
- 15.2 The only electors who may vote at the special voting opportunities are electors who, on the date on which the special voting opportunity is held and before the end of the voting hours for that special voting opportunity, are residents or patients of the facility at which the special voting opportunity is held.

- 15.3 The chief election officer is authorized to limit the number of candidates' representatives and/or scrutineers who may be present at each special voting opportunity.
- 15.4 If a patient or resident of the facility who is qualified to vote is bedridden or unable to walk, the chief election officer is authorized to designate election officials who may attend with the **portable ballot box** designated for this purpose, on the patient or resident, who shall mark the **ballot** to the extent possible in accordance with the *Local Government Act*, in privacy to the extent that can reasonably be arranged.

16. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial recount, the results of the election are to be determined by lot in accordance with the *Local Government Act*.

17. Electronic Access to Nomination Documents

Public access to nomination documents will be made available on the City of Port Moody's website from the time of filing until 30 days after the declaration of the election results as authorized by the *Local Government Act*.

18. Electronic Access to Disclosure Statements and Supplementary Reports

Public access to disclosure statements, signed declarations and supplementary reports required by the *Local Government* Act will be made available on the City of Port Moody's website from the time of filing until 7 years after **general voting day** for the election to which they relate as authorized by the *Local Government Act*.

19. Advertising by federal, provincial, or municipal candidates

- 19.1 No person shall advertise a candidate or other voting issue by way of the use of a mobile amplification system, except that a mobile amplification system may be used to provide a sound amplification system at an outdoor rally or meeting, provided that the mobile amplification system remains in a stationary position.
- 19.2 No campaign advertising signs or posters shall be erected or placed:
 - a) on any freeway, expressway, major highway, or bridge or overpass structure,
 - b) on any City building,
 - c) in any park,
 - d) in any median garden or boulevard garden,
 - e) in any internal median except those indicated in the attached Schedule "B",
 - f) on any public property except in the areas set out in the attached Schedule "B";

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- g) within 6 meters of a fire hydrant;
- h) within .5 meters of a sidewalk;
- i) in such a manner as to obstruct vision of any traffic control device,

Amended by BL2953

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- i) within 7.5 meters of an intersection;
- k) on a boulevard unless the permission of the adjacent property owner, who maintains that boulevard area, is first obtained for the installation of the sign;
- I) that would simulate any traffic control device,
- m) closer to the traveled portion of the highway than existing signs
- n) that has more than two supporting posts (no triangulated structures).
- 19.3 Political signs promoting any candidate or party or issue at a civic election or referendum are permitted, provided that:

Amended by BL2953

- a) No person shall;
 - (i) in the case of a civic election or referendum, erect a sign more than fourteen (14) days prior to **general voting day**, and
 - (ii) in the case of federal and provincial elections, before the election is officially declared;

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b) where signs are permitted on public property, no person shall erect more than one sign per candidate or other voting issue per location;

Amended by BL2953

c) no candidate shall allow his or her signs to remain posted more than seven days after general voting day,

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d) no person shall erect a sign that is larger than 1.48 square meters (16 square feet),

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- e) no person shall erect a sign that is larger than .37 square meters (4 square feet) where only small signs are permitted,
- f) no person shall erect a sign between the hours of 10 pm and 7 am.

Added by BL2953

g) two-sided signs are permitted providing that only one image can be seen from any one direction and signs attached to the principle sign are not permitted;

Amended by BL3021

h) any person erecting a sign that requires any digging on public property shall have obtained clearance to proceed from BC One Call prior to commencing any

Amended by BL2953

19.4 The chief election officer, or any person acting under the direction thereof, may require a candidate to remove an offending sign by 10am the following

morning and if the candidate fails to do so, the chief election officer, or any person acting under the direction thereof, may remove any election advertising sign that the chief election officer, or any person acting under direction thereof, has reasonable grounds to believe is erected or placed in contravention of this bylaw or in the opinion of the chief election officer or any person acting under the direction thereof is considered hazardous, and may store it for a period of one week after voting day and the candidate or agent may claim same during that period, following which the material may be destroyed or otherwise disposed of by the chief election officer who may bill the candidate for expenses of removal, storage and disposal, except if the sign had been vandalized;

- 19.5 No person shall, within 100 metres of a building, structure, or other place where voting proceedings are being conducted at the time:
 - a) canvass or solicit votes or otherwise attempt to influence how an elector votes.
 - b) carry, wear, or supply a flag, badge, or other thing indicating that the person using it is a supporter of a particular candidate or elector organization,
 - display or distribute a sign, a document, or other material regarding a candidate or elector organization, except as authorized by the Chief Election Officer,
 - d) display, distribute, post, or openly leave a representation of a **ballot** marked for a particular candidate in an election.

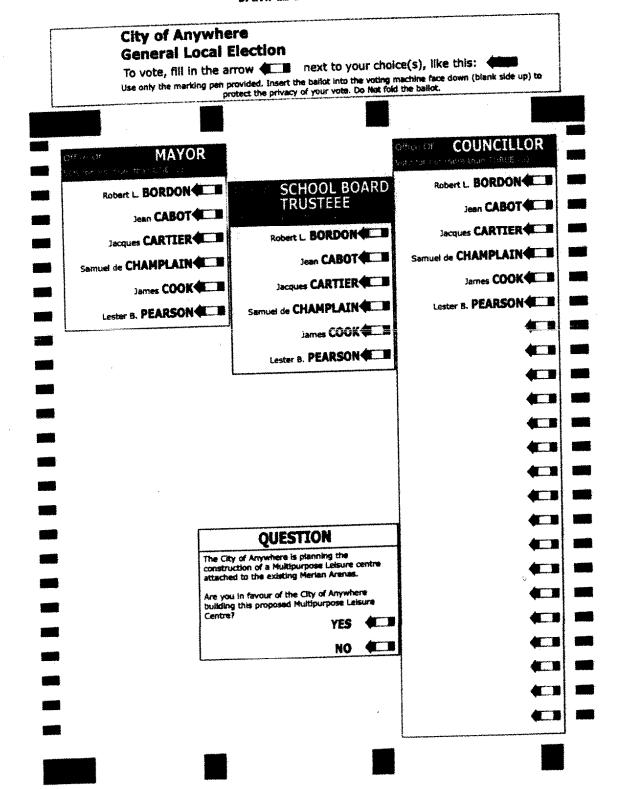
Added by BL2953

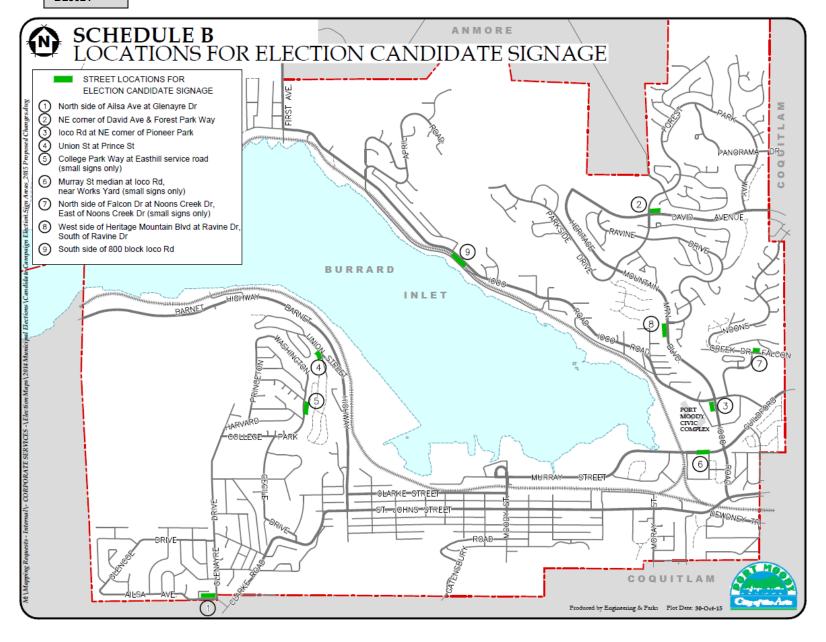
- 19.6 The chief election officer shall arrange for installation of *Election Awareness* signage in the following locations shown on Schedule "C".
 - 1. North side of Murray Street on boulevard, near Inlet Park
 - 2. Boulevard between Clarke Road and Seaforth Way
 - 3. Newport Drive at loco Road Billboard
 - 4. Barnet Highway at Westwood Honda Kiosk
 - 5. Moody Street Overpass Banner (east side)
 - 6. South boulevard of St. Johns Street at Kyle Street, west of Kyle Street
 - 7. North side of Noons Creek at Falcon Drive, west of Noons Creek Drive
 - 8. West side of Heritage Mountain Boulevard at Ravine Drive, north of Ravine Drive
 - 9. South side of 800 block loco Road

Amended by BL3021

BL2897 ADOPTED Amendment No. 1, 2014, No. 2953 Amendment No. 2, 2015, No. 3021 Amendment No. 3, 2017, No. 3092 June 28, 2011 July 22, 2014 December 8, 2015 July 25, 2017

SCHEDULE "A" SAMPLE BALLOT





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