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BY-LAW NUMBER S-800

A BY-LAW RESPECTING REQUIREMENTS
FOR THE LICENSING OF TEMPORARY SIGNS

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Halifax Regional Municipality
By-law S-800
Respecting Requirements for the Licensing of Temporary Signs

BE IT ENACTED by the Council of Halifax Regional Municipality pursuant to Section 172 of the Municipal Government Act as follows:

Part 1 Short title

1. This By-law shall be known as By-law S-800, and may be cited as the “By-law for Temporary Signs”.

Part 2 Definitions

In this By-law,

- 2.1 Banner, Flush Mounted - means a flexible, removable Sign intended for temporary mounting directly onto a building wall.
- 2.2 Banner, Overhead – means a Sign intended for temporary placement within the road right-of-way to advertise a specific event, promotion, performance or festival.
- 2.3 Development Officer – means a person or persons appointed by Council pursuant to the provisions of the Municipal Government Act.
- 2.4 Daylighting Triangle - means a triangular area on a corner lot which is formed by front lot line and a flankage lot line and a straight line which intersects 6.1 metres from the corner where they meet.
- 2.5 Engineer – means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer.
- 2.6 Established Grade - means with reference to a sign, the average elevation of the finished surface of the ground where it meets such sign, and shall mean the average elevation of the finished grade of the ground immediately surrounding such sign, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.
- 2.7 Erect – means the placing of, the construction of, and/or the installation of a Sign.

- 2.8 Fixed Foundation - means a system or arrangement of structural members through which the load from a structure is transferred to and permanently attached to the supporting soil or rock.
- 2.9 Inflatable Sign- means any sign which is specifically designed or intended to be inflated, and to be readily moved from one location to another.
- 2.10 Land Use By-law – means a By-law approved by Council pursuant to the Municipal Government Act to implement the intent of a Municipal Planning Strategy or a Secondary Municipal Planning Strategy.
- 2.11 Municipality – means the Halifax Regional Municipality
- 2.12 Mobile Sign – means any Sign, whether illuminated or not, which is specifically designed or intended to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support.
- 2.13 Owner – means any Person who is described on a Sign, whose name or telephone number appears on a Sign, who created a Sign, who installed a Sign, who owns the property on which the Sign is situated, who occupies the premises which the Sign advertises, who is in lawful control of a Sign or who is the subject of or otherwise benefits from the message on a Sign, and for the purposes of this By-law there may be more than one owner of a Sign.
- 2.14 Person – means a natural person or body corporate and includes a partnership, a group of persons acting in concert or as an association.
- 2.15 Personal Message - means a sign used for the purpose of expressing a personal opinion, which opinion does not identify, describe, promote, advertise or direct readers to a particular land use, event, sale, or corporate entity.
- 2.16 Poster – means a Sign, whether made of paper, cardboard, foam core or other material, that is not self-supporting and is not permanently attached to a pole, wall or other structure.
- 2.17 Premise - means a separate business or tenancy, including a freestanding business and an individual business within a multi-tenant building.
- 2.18 Public Property - means a property owned by or under the control of the Municipality or any of its agencies, boards or commissions.
- 2.19 Qualified person – means
- (i) a professional engineer licensed to practice in the Province of Nova Scotia under the Engineering Professions Act, R.S.N.S. 1989, c. 148, as amended from time to time

time, or

- (ii) an architect who is a practising member of the Registrar of the Nova Scotia Association of Architects as defined in the Architects Act, R.S.N.S. 1989, C. 21, as amended from time to time;
- 2.20 Right-Of-Way Advertising – means off premise advertising in a street right-of-way that is pedestrian-oriented and includes but is not limited to Overhead Banners, transit shelter advertising, bench advertising, community kiosks, Signs on parking meters, bicycle rack advertising, Signs in conjunction with street maps and way finding Signs, heritage streetscape Signs, and advertising on telephone booths. For the purpose of this By-law, Right-Of-Way Advertising does not include Mobile Signs, Sandwich Boards, flush Mounted Banners, or Posters.
- 2.21 Sandwich Board Sign – means a Sign, freestanding, intended for temporary use during business hours, constructed in a manner and of materials such that it can be placed or repositioned by an individual without mechanical aid.
- 2.22 Sidewalk – means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway.
- 2.23 Sign – means any structure, medium or device that identifies, describes, promotes, advertises or directs through the use of words, images, symbols, logos or any combination thereof, but specifically excludes Personal Messages.
- 2.24 Sign Area – means the area or portion of an advertising structure, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for decoration, outlines or borders. Where letters, logos or images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.
- 2.25 Street – means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts, and retaining walls in connection therewith and without restricting the generality of the foregoing includes the full right-of-way width and any utility poles within the right-of-way.
- 2.26 Third Party Sign – means a Sign that directs attention to a business, profession, activity, commodity, service or entertainment, other than those conducted, sold, promoted or offered upon the premises where such Sign is located or within the building to which such Sign is affixed.

Part 3 General Requirements

3.1 Applicability

- (a) This By-law shall apply to the entire Municipality. Where the provisions of this By-law conflict with any other By-law, enactment, ordinance, and statutes of the Municipality, the more restrictive provisions shall prevail unless otherwise noted herein.
- (b) Except as otherwise permitted by the provisions of this By-law, Signs are permitted only on lands zoned or otherwise designated by a Land Use By-law for the proposed use which the Sign is intended to advertise or promote.
- (c) Notwithstanding this By-law, regulations in any development agreement pertaining to the maximum size, dimension, area, and/or height of Mobile or Sandwich Board Signs, or required setback from lot lines or uses shall take precedence over those contained in this By-law.
- (d) No Sign shall be permitted where such Sign will reduce the number of available parking spaces that are required pursuant to a Land Use By-law.
- (e) Where the same words are defined in more than one By-law, the definitions in this By-law shall apply for the purposes of administering this By-law.

3.2 Number of Signs

- (a) In determining the number of Mobile Signs and Sandwich Board Signs permitted, each premise shall be permitted a Sign, subject to Sections 6.1 and 6.2.
- (b) For the purpose of determining the total number of Signs permitted under this By-Law, it shall not include Signs regulated under any Land Use By-law, except on properties primarily zoned or used for residential.

3.3 Illuminated Signs

- (a) All electrical Signs shall be approved, constructed and installed in accordance with the standards set by the Canadian Standards Association and/or National Building Code and shall bear a CSA stamp, or equivalent approval. Each Sign shall have the manufacturer's name and the complete electrical rating, as required by the approval authority used, displayed so that it shall be readily visible after the Sign is erected.

- (b) illuminated Signs shall be illuminated only by steady, stationary, shielded light sources, directed solely at the Sign, or internal to it, without causing glare to motorists, pedestrians or neighbouring premises, and no part of a portable illuminated Sign or light on it shall move or appear to move.
- (c) illuminated Signs shall only be illuminated during hours of operations of the premise to which it relates.

3.4 Maintenance of Signs

The owner of the Sign shall maintain the Sign, or cause it to be maintained, in a state of good repair at all times. Where, in the opinion of the Development Officer, any Sign is in a dangerous or defective condition or is deemed to pose a potential hazard, the Development Officer may require the owner to remove or repair the Sign.

3.5 Storage of Signs

During down time periods for Signs required under this By-law, Signs must be stored in a manner such that it is not visible to vehicular and pedestrian traffic.

Part 4 Prohibited Temporary Signs

4.1 No person shall place, erect or display a Sign that:

- (a) is not specifically permitted by the provisions of this By-law;
- (b) does not have a valid licence issued under this By-law;
- (c) continues to display a Sign which advertises a company that is no longer in business or a product or service that is no longer available;
- (d) interferes with or obstructs the view of any traffic signal light, traffic Sign or device or be likely to be confused with any traffic signal light, traffic control Sign or device, or impede the view at any street intersection, any driveway connection to a street, or the intersection of a street with a railway crossing and which, in the opinion of the Engineer, might interfere with traffic control;
- (e) interferes with any ventilation device, emergency exit, or fire hydrant or fire fighting hose connection;

- (f) is attached to or interferes with any utility wires, poles, trees or supports thereof, nor on trees, dead, or alive, situated on municipal property or in a municipal right-of-way and Signs on a municipally-owned property including properties owned by private, not-for-profit organizations, other levels of government or their agencies, with whom the municipality is party to agreements therewith for the provision of public trail and pathway systems, among others, except as provided elsewhere in this By-law;
- (g) obstructs any fire escape, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
- (h) interferes with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity or communication equipment;
- (i) interferes with any warning or instructional Sign;
- (j) incorporates a strobe light or flashing light;
- (k) does not have an identification label affixed to it as supplied by the Municipality at time of license issuance;
- (l) is a third party Sign, other than Right-Of-Way Advertising or Signs for public schools, churches, HRM, and non-profit organizations;
- (m) makes use of words or phrases such as "Stop", "One Way", "Danger", "Yield", or any other words or symbols used in traffic control Signs and which, in the opinion of the Engineer, might interfere with traffic control;
- (n) on a corner lot, a Sign shall not be erected or permitted to a height of more than 0.6 metres above grade of a street which abuts a daylighting triangle;
- (o) is an illuminated Sign that does not have a CSA or equivalent approval;
- (p) is a poster and is located within a street right-of-way or on public property but not on a community kiosk and notice board as approved by the Municipality;
- (q) is an Inflatable Sign and is placed upon private property for a period exceeding fourteen days within a 30 day period; and
- (r) is located on the roof of any building

Part 5 Signs that DO NOT Require a License

5.1 No license is required for the following Signs, but such Signs shall conform to all other requirements of this By-law:

- (a) Right-Of-Way Advertising;
- (b) Posters; and
- (c) Inflatable Signs.

Part 6 Signs that Require a License

Special Event Signs

6.1 A license is required for Sandwich Boards, Mobile Signs, and banners erected temporarily on private, or public property owned by HRM, a public or private grade school, university, Provincial community college, church or other religious facility, or not-for-profit organization for the purpose of notifying the public of special events, festivals, performances and displays to be undertaken by that body or society and the Sign shall not be placed for a period longer than thirty consecutive days within a 60 day period;

Mobile Signs

6.2 A valid license is required for all Mobile Signs provided that:

- (a) a Mobile Sign shall be permitted for a maximum of 120 consecutive days per license on a commercially, industrially, or institutionally zoned or used property. Upon expiry or cancellation of the license, the Sign shall be removed from the property for a period of no less than 30 days before a new Sign license application will be accepted for that premise.
- (b) notwithstanding the requirements of section (a), Mobile Signs shall be permitted in conjunction with a:
 - (i) temporary garden centre and/or market for a maximum period per calendar year of 180 days.
 - (ii) Christmas tree lot for a maximum period of 45 days.
- (c) the Mobile Sign shall have a maximum of two faces which shall be back to back, and the Sign area of each face shall not exceed 4.64 square metres (50 square feet) per face.

- (d) Mobile Sign shall not exceed 3.0 metres (10 feet) in height from established grade.
- (e) the Mobile Sign shall:
 - (i) only advertise the business for which the license has been issued
 - (ii) not be located within the daylighting triangle for corner lots
 - (iii) on a street where there is an existing curb, be located no closer than 4.6 metres (15 feet) from the inside of the curb and in no case shall the Sign be located within the HRM right-of-way.
 - (iv) on a street where there is no curb, be located no closer than 7.0 metres (23 feet) from the edge of the pavement or travelled way and in no case shall the Sign be located within the HRM right-of-way.
 - (v) where it can be proven that the HRM right-of-way boundary is located closer than the setbacks as stated within Section 6.1(e)(iii) and (iv), the Development Officer may reduce the setback provided that the Sign is placed entirely within the property boundaries but in no case shall the Sign be located closer than 0.6 metres (2.0 feet) from the edge of the sidewalk were applicable.
 - (vi) be permitted on a property containing more than one premise and only one Mobile Sign shall be permitted per premise which must be a minimum separation distance of 30.5 metres (100 feet) between Mobile Signs as measured along street lines is achieved.
 - (vii) be permitted on a property containing only a single premise and permit more than one Mobile Sign as long as there is a minimum separation distance between each Sign of 30.5 metres (100 feet) as measured along the street lines.
 - (viii) not be pegged to the ground and the Sign shall have a full frame system or equivalent which utilizes pre-formed concrete weights or other acceptable materials for stability but shall not include a fixed foundation. Use of sandbags or other loose weights on frame legs is not permitted.
- (f) only one Mobile Sign shall be permitted per premise, except as permitted in accordance with Section 6.2(e)(vi) and (vii).
- (g) notwithstanding any of the foregoing, Mobile Signs shall:

- (i) not be permitted within the Capital District, as defined in Schedule A of this Bylaw, except for Mobile Signs for public events and festivals; and
 - (ii) be permitted only once per business for a maximum period of sixty days for new business openings, within a commercial and industrial zone within the boundaries of Bedford Municipal Planning Strategy, Sackville Drive Secondary Planning Strategy or the areas zoned C-2 within the Eastern Passage/Cow Bay Municipal Planning Strategy.
- (h) notwithstanding section g(ii), within:
- (i) Cole Harbour/Westphal Municipal Planning Strategy boundary Mobile Signs are not permitted within the C-1 Zone; and
 - (ii) Downtown Dartmouth Secondary Planning Strategy boundary Mobile Signs are not permitted within any zone.

Sandwich Boards on Private Property

- 6.3 A license is required once per 12 month period for all Sandwich Board Signs on private property, provided that these Sandwich Boards:
- (a) do not have more than two faces in total, with a maximum dimension of 0.8 metres (2.6 feet) in width and 1.2 metres (4.0 feet) in height per face;
 - (b) shall not be illuminated; and
 - (c) shall be permitted on properties zoned or used for commercial, industrial, and institutional uses, at a rate not exceeding one per premise, provided that such Signs allows for unimpeded pedestrian passage.

Banners- Flush Mounted

- 6.4 A license is required for flush mounted Banners on private property, provided that these Banners:
- (a) do not exceed a maximum of ten percent coverage of the building wall; and
 - (b) a Flush Mounted Banner shall be permitted for a maximum of 120 consecutive days per license on a commercially, industrially, or institutionally zoned or used property. Upon expiry or cancellation of the license, the Sign shall be removed from the property for a period of no less than 30 days before a new Sign license application will be accepted for that premise.

Existing Temporary Signs

- 6.5 All existing temporary Signs shall comply with the provisions contained within this By-law within 180 days of the effective date of the By-law.

PART 7: Signs Within HRM Public Right-of-Way

- 7.1 Signs are not permitted within an HRM public right-of-way except for:

Posters

- (a) Posters are permitted provided that they are placed on community kiosks and notice boards as approved by the Municipality but do not require a license.

Sandwich Boards

- (b) a license is required for a Sandwich Board for commercial, industrial, and institutional uses per 12 month period and provided that only one Sandwich Board is permitted per premise and shall be located directly in front of the premise being advertised and the Sandwich Board shall not:
- (i) obstruct pedestrians or constitute a hazard;
 - (ii) exceed 0.6 metres (2.0 feet) in width and 0.9 metres (3.0 feet) in height;
 - (iii) have moving parts, display lights or require electrical power;
 - (iv) be displayed during non-business hours;
 - (v) be located in the pedestrian through zone or curb zone of a sidewalk (see Schedule B); and
 - (vi) be permitted if a sidewalk does not contain a furnishing and service zone or a frontage zone (see Schedule B).
- (c) a license is required for a Sandwich Boards which notifies the public of special community events and festivals and the Sign shall not be placed for a period longer than thirty (30) consecutive days and Sandwich Board shall not:
- (i) obstruct pedestrians or constitute a hazard;
 - (ii) exceed 0.6 metres (2.0 feet) in width and 0.9 metres (3.0 feet) in height;

- (iii) have moving parts, display lights or require electrical power;
 - (iv) be located in the pedestrian through zone or curb zone of a sidewalk (see Schedule B); and
 - (v) be permitted if a sidewalk does not contain a furnishing and service zone or a frontage zone (see Schedule B).
- (d) further to Sections 7.1 (b) and (c), an applicant for a Sandwich Board shall provide proof of and maintain public liability insurance in the minimum amount of \$1 million dollars per Sign occurrence, such insurance shall indemnify the Municipality and its employees from any and all claims made as a result of the Sign, and the Municipality shall be named as an additional insured.

Right-Of-Way Advertising

- (e) HRM approved Right-Of-Way Advertising but no license is required through this By-law.

Part 8 Applications and Fees

Applications

8.1 The following information is required at the time of application:

- (a) site plan which shows the location and type of the proposed Sign in relation to curb and sidewalk, if applicable, or edge of travel way and property lines, buildings, landscaped areas, parking, driveways, adjacent streets, and any other Mobile Signs;
- (b) plan, drawn to scale (metric), showing the graphic design and construction materials of the proposed Sign;
- (c) approval of the Nova Scotia Department of Transportation and Public Works as required;
- (d) for a Mobile Sign on a property, the application shall be accompanied by written permission by the property owner or approved management company;
- (e) duration of the Sign placement;
- (f) name of the business or use for which the Sign is being applied;

- (g) payment of fees according to the provisions of Administrative Order No. 15;
 - (h) notwithstanding Section (g), fees shall be waived for the following uses: municipally owned and/or operated facilities, public schools, not for profit organizations, registered charities, public institutions, churches or other religious facilities; and
 - (i) any other information required by the Development Officer to evaluate the application under the terms of this By-law.
- 8.2 A license sticker issued by the Municipality shall be clearly displayed in the bottom right hand corner on the Sign for which it was issued.
- 8.3 Where a Sign has been installed in violation of the terms of its license, the license shall be revoked by the Development Officer in addition to the penalties outlined in Part 10.
- 8.4 If a license has been issued due to inaccurate information provided by an applicant, the license may be revoked.
- 8.5 Where an application for a license is refused, the applicant shall be entitled to a full refund of the application fee.

Part 9 Appeal of a License

- 9.1 Any applicant who has been refused a Sign license or whose license has been revoked may appeal to the HRM Appeals Committee pursuant to the provisions of By-law A-100, Respecting License and Permit Appeals.

Part 10 Enforcement and Penalty

- 10.1 This By-law shall be enforced by the Development Officer or designate.
- 10.2 Municipal employees may enter at all reasonable times upon private property for the purpose of inspection and enforcement necessary to administer this By-law.
- 10.3 A Sign that is placed in violation of this By-law may be subject to removal and impoundment by the Municipality. All costs associated with such removal or impoundment shall be the responsibility of the Owner. Such costs shall be paid to the Municipality or its agent prior to release of an impounded Sign. A Sign not claimed within fifteen (15) days of its impoundment may be destroyed, sold or otherwise disposed of by the Municipality. Unpaid costs may be charged and collected by the Municipality as a first lien on the property affected.
- 10.4 Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall, on summary conviction, be liable

- (a) for the first offence to a penalty of not less than Two Hundred and Fifty Dollars (250.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of the minimum fine;
- (b) for the second offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;
- (c) for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

Part 11 **Repeal of By-laws**

11.1 The following By-laws are hereby repealed:

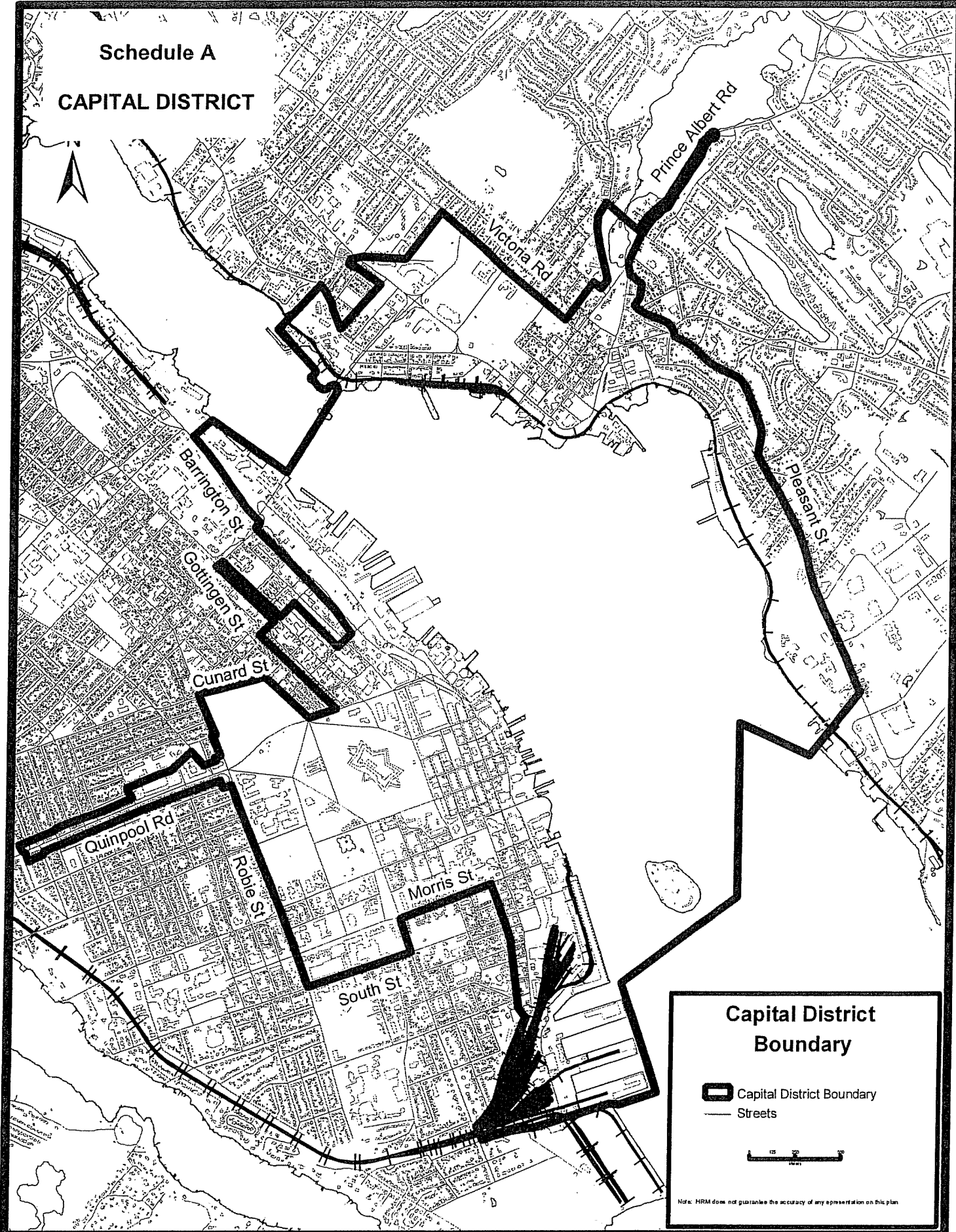
- (a) City of Halifax Ordinance Number 166 – “Sign Ordinance”; and all amendments thereto;
- (b) City of Halifax Ordinance Number 19 – “Bill Posters”, and all amendments thereto; and
- (c) City of Dartmouth By-law S-800 – “Sign By-law”; and all amendments thereto.

Part 12 **Schedules**


12.1 The schedules listed below form a part of this By-law:


- Schedule A: Boundaries of the Capital District
- Schedule B: Service and Zone Standards


Schedule A
CAPITAL DISTRICT



Capital District Boundary

 Capital District Boundary

 Streets



Note: HRM does not guarantee the accuracy of any representation on this plan