

Item No. 10.1.1
Halifax Regional Council
January 24, 2012

TO: Mayor Kelly and Members of Halifax Regional Council
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SUBMITTED BY: Richard Butts, Chief Administrative Officer

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Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 15th 2011

SUBJECT: Signage Management on Non-100 Series Provincial Highways

ORIGIN

- October 25, 2011, motion of Regional Council requesting a staff report outlining a workable package of enabling measures for HRM management of signage on non-100 series highways.
- May 19, 2011, amendment to the Public Highways Act enabling municipalities to adopt a by-law regulating advertising signs on non-100 series provincially-owned highways.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct staff to develop a by-law to regulate advertising signs on non-100 series provincially owned highways using highway 333 as a pilot project; and
2. Direct staff to develop an accompanying signage management program for Council's consideration and approval including:
 - a. Program parameters and implementation strategy; and
 - b. Community partnership(s) for program development and delivery.

BACKGROUND

The proliferation of signage along provincial secondary roads and scenic gateways is an issue that spans across Nova Scotia municipalities. Within HRM the issue is particularly problematic along highway 333 at intersecting highways including the Prospect Road leading to Exhibition Park and Highway 333 at Tantallon Village (ATTACHMENT 1). The challenge has been that signage regulation and enforcement along these roadways currently falls under the jurisdiction of the Province. While the Province does deliver a program for tourist attraction and destination signage along 100 series highways, there is no similar program to manage signage along secondary roads. Most signs existing now along these roadways are illegal.

In response to concerns from constituents and area business and tourism groups, Councillor Rankin (district 22) and Councillor Lund (district 23) have brought the signage issue forward to Regional Council. Subsequent discussions took place with the provincial department of Transportation and Infrastructure Renewal (TIR) to determine how sign clutter might be addressed. Those discussions resulted in an amendment to the Provincial Highways Act in May of 2011 enabling municipalities to adopt a by-law to regulate advertising signs on provincial secondary highways (ATTACHMENT 2). Staff are now seeking Council's approval to move forward with the development of a by-law and accompanying signage management program.

DISCUSSION

The proliferation of signs is especially challenging at gateway points to scenic highways and major tourist routes. In the case of the approach to Prospect near Exhibition Park there is a heavy collection of temporary, poorly built, poorly placed signs. Many of these signs are nailed to trees or power poles or propped up by rock pilings. This uncoordinated collection of signs is unsightly and limited in terms of advertising effect. In the Tantallon area there is also an issue with sandwich board signs near the highway 3 & 333 intersection. Some signs are for businesses no longer in operation and others belong to non-local business or businesses that don't provide goods and/or services for the travelling/visiting public (ATTACHMENT 3).

Providing opportunity to advertise along provincial roadways is supported in principle by the Province and community stakeholders, however, the unattractive proliferation of competing signs creates problems for communities and confusion for travellers. The St. Margaret's Bay road (Hwy 333) is one of the most highly travelled scenic routes in Nova Scotia and could see significant benefit from well-designed, well-placed advertising signs. Places that are currently delivering signage programs (Kings County, Charlottetown, Alberta DOT, Ontario DOT, Norfolk Ontario, etc.) benefit from more attractive and functional signage, and cleaner, more scenic roadways.

Provincial Role:

Nova Scotia has a signage program for 100 series highways. The "Tourist Attraction Signing Policy" guides development of tourist destination signage to "encourage travellers to leave the

100 series highway system to visit communities and tourism businesses located along our secondary and scenic routes.”¹ The provincial tourism and culture mandate is the focus under the program which permits major tourist attractions and tourism-related businesses to advertise through standardized signs. These are the large blue and white signs located at major highway intersections.

In 2001, NS TIR and Tourism and Culture developed a similar uniform advertising signage program for tourism-related businesses and traveller related services on non-100 series highways. The proposed program brought to light some differing opinions in the community with respect to which type of businesses should be permitted to advertise on roadways (tourism-related business versus other commercial operations). Questions were also raised with respect to how the program would be enforced and managed at a province wide scale. These issues were never resolved politically and the proposed program was not approved.

Municipal Role:

The recent amendment to the Public Highways Act responds to the desire for Municipal leadership around the management of advertising signage on secondary highways. The issue could effectively be addressed through a uniform directional signage program coupled with effective enforcement and community collaboration.

An HRM by-law would allow for a more local solution to signage along highways and could open up the opportunity for partnerships with community economic development and tourism groups. Community collaboration would enable a more proactive signage program and a more realistic approach to implementation.

Staff has made inquiries with the Province to determine other enabling mechanisms and tools that might be utilized to manage signage on Provincial roads such as an HRM-Provincial management agreement. The Province advises that this was explored and deemed to be non-viable under municipal legislation. The by-law mechanism was pursued as a more viable solution Province-wide.

Sign Program Considerations:

The proposed signage program must be realistic in terms of cost-benefit and the ability of HRM and community groups to manage implementation. Further discussion is needed to establish program parameters, however, these discussions will include:

- ❖ Design standards and branding (NS uniform tourism signage vs. other design standards)
- ❖ Directional signage versus promotional signage
- ❖ Tourism signage versus all other local business signage

¹ Nova Scotia Tourist Attraction Signing Policy

- ❖ Implementation resources and partnership funding
- ❖ Partnership parameters and responsibilities (municipal, community, provincial)
- ❖ Optics of managing public expectations
- ❖ Rationalization with existing HRM signage regulations under By-Law S-800 (Temporary Signs) and applicable Land-Use By-Laws

Staff will aim to develop a program that is fiscally prudent and reflects the budgetary constraints that HRM is operating under. Toward this end, the goal will be a cost neutral (or cost-limited) solution. It is anticipated that permitting fees will (in large part) fund the program. Implementation will also focus on incremental, phased roll-out of the program in order to minimize the requirement for municipal resources. Staff will also focus on building a workable program delivery partnership with community economic development group(s) in an effort to leverage operating resources and build a more sustainable program.

Staff is recommending a pilot project approach which will apply to a limited geographical area along Highway 333 near Exhibition Park and the Highway 333 intersection at Tantallon Village (specific boundaries will be outlined under a signage by-law). Highway 333, as already discussed by Council, is a good candidate for a pilot project as there are existing efforts to address signage by the St. Margaret's Bay Chamber of Commerce and St. Margaret's Bay Regional Tourism Development Association (SMBRTDA).

Community Partnership and Engagement:

The SMBRTDA have been working to address the signage issue along highway 333 and other sections of the St. Margaret's Bay scenic highway. A beautification & signage committee was established to look at options for managing sign clutter and for promoting St. Margaret's Bay as a tourist destination. In 2009, the groups' efforts resulted in the removal of a large portion of pole signs including out of business operations, derelict signs and non-local business signs. This dealt with signage removal incrementally and with an understanding that the matter is sensitive. It is important that HRM work collaboratively with communities to effectively address these issues.

Staff is recommending that Council explore community partnership opportunities in order to advance broader community economic development goals and to assist in the implementation of a signage program. One opportunity could be in developing community branding and uniform signage guidelines to provide advertising opportunities for businesses and communities. The "Bluenose Coast" branding project is an initiative by the SMBRDTA which includes design guidelines for local attraction and businesses signage. Such an initiative could help to reduce the number of signs within the road right-of-way and provide more effective advertising for businesses.

Program Development:

Further work will take place over the next four months to develop program parameters based on the following core operating principles:

Core operating principles:

1. Affordability
2. Flexibility
3. Sustainability, and
4. Community Collaboration

The proposed by-law will be crafted to provide enabling powers to HRM to manage signage in the provincial right-of-way while allowing for a desired amount of flexibility to address operational needs. This might include the use of an administrative order for program elements that may require periodic adjustments such as sign standards, fee structure, community partnership elements, etc.

The following phasing approach and schedule is recommended:

PHASE I:

By-Law and Program Development

January 03 – April 30

- Stakeholder engagement
- Draft By-Law & Highway 333 pilot program parameters
- Council review and approval
- Provincial review and ministerial approval
- Community partnership development

PHASE II:

Program Implementation:

May 01 – June 30

- Communication and public awareness
- Removal of derelict and out-of-business signs
- Stage I permitting - tourism signs (using NS sign standards)

July 01 – September 30

- Stage II permitting for other business signs
- Removal of all non-permitted signs
- Ongoing communication and awareness
- Implement community partnership

PHASE III:

Program Review

October 01 – December 31

- Pilot program evaluation

BUDGET IMPLICATIONS

There are no immediate budget implications associated with this report. However, there are implied budget implications with respect to future program implementation including enforcement, sign production, installation and program administration. However, staff will strive to develop a cost-neutral or cost-limited operational strategy that is funded through a fee structure and partnership(s) with community. Program costs will be brought back to Council as part of the proposed by-law and program structure.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Engagement will take place with community economic development groups and other stakeholders as needed to develop a signage program that reflects community and municipal objectives. Emphasis will be placed on developing mutually beneficial partnerships with community organization(s) to help manage the program.

ALTERNATIVES

Council could choose to not pursue development of a signage by-law and accompanying program, however, the issue of sign clutter on provincial secondary roads could be effectively addressed at the municipal level.

ATTACHMENTS

ATTACHMENT 1: Highway 333 Signage Pilot Project Locations

ATTACHMENT 2: An Act to Amend Chapter 371 of the Revised Statutes, 1989 the Public Highways Act

ATTACHMENT 3: Signage Photos – Highway 333 & Highway 3

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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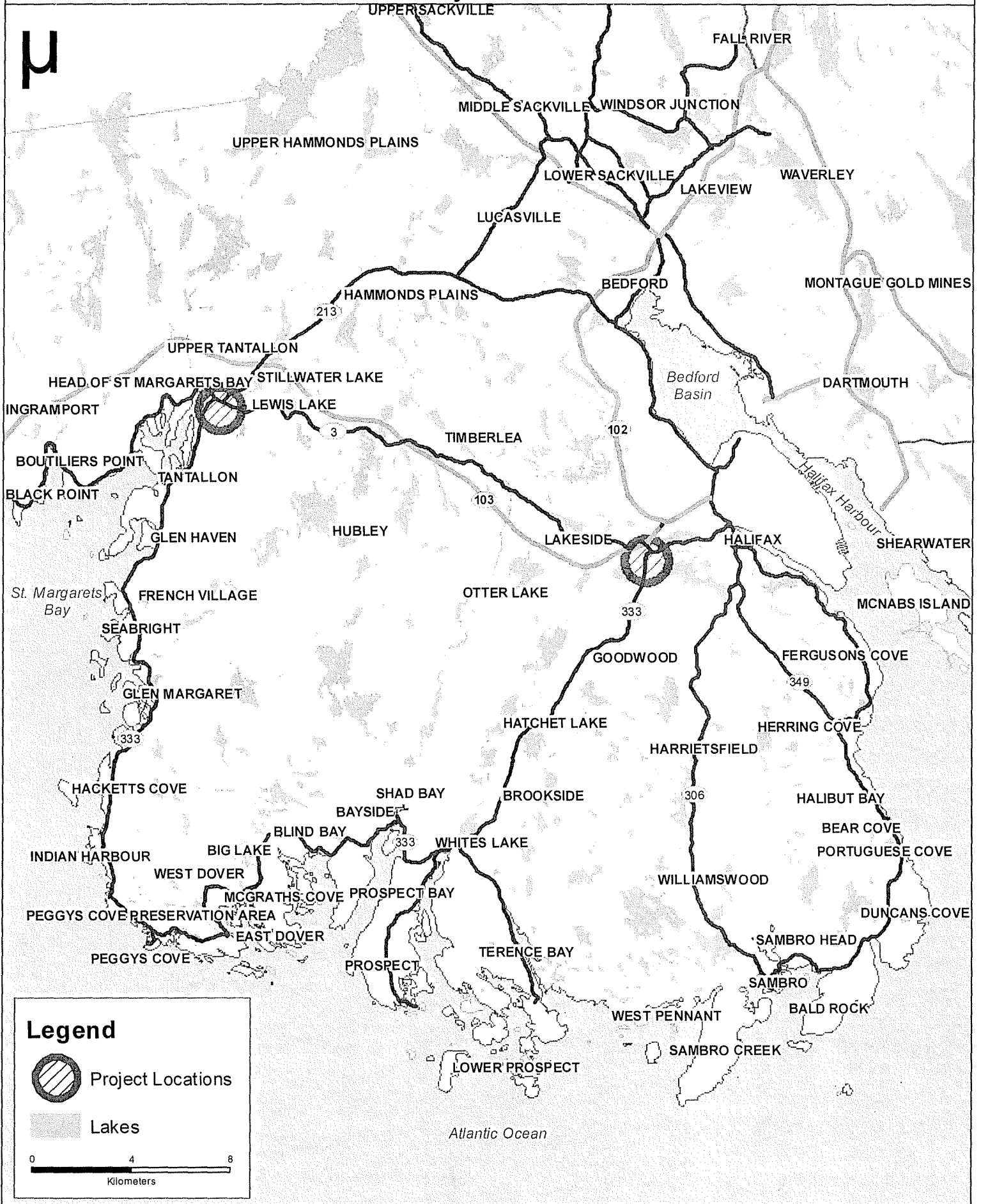
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Report Approved by:

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Highway 333 Signage Pilot Project Locations



ATTACHMENT 2: An Act to Amend Chapter 371 of the Revised Statutes,
1989 the Public Highways Act

BILL NO. 51

Government Bill

3rd Session, 61st General Assembly

Nova Scotia

60 Elizabeth II, 2011

An Act to Amend Chapter 371 of the Revised Statutes, 1989, the Public Highways Act

CHAPTER 3

ACTS OF 2011

AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE

MAY 19, 2011

The Honourable Bill Estabrooks, M.B.

Minister of Transportation and Infrastructure Renewal

Halifax, Nova Scotia

Printed by Authority of the Speaker of the House of Assembly

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An Act to Amend Chapter 371 of the Revised Statutes, 1989, the Public Highways Act

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Community Control of Non-controlled-access Highway Advertising Amendment (2011) Act*.

2 Chapter 371 of the Revised Statutes, 1989, the *Public Highways Act*, is amended by adding immediately after Section 49 the following Section:

49A (1) In this Section,

(a) “by-law” means a by-law made pursuant to this Section;

(b) “highway” means a highway vested in Her Majesty in right of the Province.

(2) Subject to subsections (3), (4) and (6), the council of a municipality may make a by-law prohibiting or regulating the erecting, maintaining, pasting, painting or exposing of advertisements upon any part of a highway located within the

municipality and designated in the by-law.

(3) The Minister may

- (a) approve all or part of the by-law and from time to time approve other parts or the remainder of the by-law;
- (b) attach any condition to the approval of the by-law;
- (c) approve the by-law with amendments;
- (d) revoke or from time to time vary the approval or any condition, either in whole or in part.

(4) A by-law, or an amendment to a by-law, is effective upon and subject to approval pursuant to subsection (3) and ceases to have effect upon the revocation of that approval or repeal of the by-law with the approval of the Minister.

(5) Where any part of a highway becomes subject to a by-law, no regulation made under Section 49 applies to it and any licences issued under any such regulation cease to have any force or effect.

(6) Subsection (2) does not apply to any part of a highway that has been designated as a controlled access highway by the Governor in Council pursuant to Section 21 and, where any part of a highway that is subject to a by-law is designated as a controlled access highway pursuant to that Section, the by-law ceases to apply to that part.

(7) For greater certainty,

- (a) a municipality that makes a by-law is not an agent of Her Majesty in right of the Province;
 - (b) a person employed or engaged by a municipality is not an officer, servant or agent of Her Majesty in right of the Province; and
 - (c) Her Majesty in right of the Province is not liable for any act or omission of a municipality.
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ATTACHMENT 3 – Signage Photos Highway 333 & Highway 3



Signage along Highway 3 at Highway 333 Intersection



Signage along Highway 333 Prospect Road

ATTACHMENT 3 – Signage Photos Highway 333



Signage along Highway 333 Prospect Road



Signage along Highway 3 at Highway 333 Intersection