



**Item No. 11.1.12**  
**Halifax Regional Council**  
**August 14, 2012**

**TO:** Mayor Kelly and Members of Halifax Regional Council  
Original signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Richard Butts, Chief Administrative Officer  
Original signed by   
\_\_\_\_\_  
Brad Anguish, Acting Deputy Chief Administrative Officer

**DATE:** July 24, 2012

**SUBJECT:** Proposed Amendments to By-Law S-800 Licensing of Temporary Signs –  
in regard to Election Signage

---

**ORIGIN**

Motion of Halifax Regional Council of April 24, 2012 requesting a staff report to amend the HRM Sign By-law to specifically exclude election signage from being posted in advance of a specific date to be determined by the Returning Officer in the case of the Municipal Elections or the dropping of the writ in Federal and Provincial Elections.

**RECOMMENDATION**

It is recommended that Halifax Regional Council give First Reading and adopt the proposed revisions to By-law S-800, the By-law for Temporary Signs, as found in Attachment 1 of this staff report, in order to address the matter of Election Signage within the By-law.

## **BACKGROUND**

In September 2006, Halifax Regional Council passed second reading of By-Law S-800 in regard to the requirements for the licensing of Temporary Signs with an effective date of November 2006.

The Temporary Signs By-law S-800 outlines the allowance for, restriction to and licensing process for the provision of Temporary Signs within HRM. Over time, there have been a number of matters raised with the Temporary Signs By-law and a motion passed by Regional Council requesting that the By-law be revisited and revised to better enable better clarity and enforcement provisions within the By-law. This process is underway and a report to Regional Council is expected early in 2013.

In the interim, a specific motion in regard to the specifically clarifying requirements in regard to Election Signage was passed by Regional Council in April, 2012.

## **DISCUSSION**

Section 44 of the Streets By-law S-300 states “No person shall place or allow to be placed any sign...within the street without first obtaining a permit therefor pursuant to a sign or encroachment by-law”. Both the current HRM Temporary Signs By-law S-800 and the Encroachment By-law E-200 are silent on the matter of Election Signage and currently do not provide a means by which Election Signage is specifically addressed.

A number of municipalities in Canada such as the cities of Toronto, Stratford, and Ottawa have passed by-laws in regard to Election signage, while other cities, such as Edmonton, issue guidelines under existing streets by-laws that specifically permit election signage in some areas where signs are generally prohibited. These approaches have been put forward in an effort to create a balance between political expression and such as safety and nuisance.

There have been court challenges to a number of those municipal by-laws, specifically in regard to ensuring freedom of speech and political expression. Generally, the courts have determined that an appropriate balance must be struck between freedom of expression and concerns that fall within the jurisdiction of a municipality, such as pedestrian/vehicular safety and nuisance.

Upon review by HRM Legal Services and the HRM Returning Officer, the proposed amendments to By-law S-800, as found in Attachment 1 of this report:

- Ensures that the matter of Election signage is addressed within By-law S-800
- Provides appropriate opportunity for political expression on both private and public property
- Provides for restrictions appropriate to the specific municipal interests of safety and nuisance
- Provides for reasonable time frames
- Does not impose any licensing or fee requirements on Election signage

The result of Regional Council passing the proposed amendments the effect would be that:

- Election Signs would be allowed on private property with the permission of the owner at any time.
- Election signs would be allowed on commercial rental advertising space (appropriately licensed and approved) at any time.
- Elections signs would be specifically excluded from being placed on HRM property and on or adjacent to Public Parks at all times.
- Election signs would be specifically permitted on the Street Right of Way with the following conditions:
  - Size – no larger than 1.5 meters in area and less than 2 meters above ground level (as measured from the top of the sign)
  - Does not interfere with or obstruct the view of any traffic signal, light or control sign
  - Does not interfere with or obstruct the view of the street intersection, any pedestrian cross walk, driveway, or the intersection of a street or railway crossing
  - On streets with no sidewalks, the signs to be at least 1.5 metres from the curb or edge of pavement
  - Not on medians or islands
  - With the consent of the abutting property owner or occupier
- Times: Election Signs in the Street Right of Way would be allowed only at specific times only, being:
  - For regular Municipal Elections, beginning September 1<sup>st</sup> of the year of the Election (September 1 to Election)
  - For special Municipal Election from the day Council names the date of the Election
  - For Provincial and Federal Elections, from the day the writ of election is issued
  - The Municipal Election Act and Provincial/Federal Acts all specify that Election Signage must be removed within specific time period after the end of the Election (within 7 days under the Municipal Elections Act).

It is the position of HRM that, on balance, the permission and restrictions on Election Signage provided for in the proposed amendments provide an appropriate balance between the Charter requirements of political expression and speech and the legitimate municipal interests of public (pedestrian/vehicular) safety and nuisance.

### **BUDGET IMPLICATIONS**

There are no budget implications to this report.

## **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**

Adoption of by-law amendments has a notice requirement in order to ensure public input into the proposed amendments. Notice and opportunity for input is provided for.

## **ENVIRONMENTAL IMPLICATIONS**

While there is likely to always be a place for the use of traditional forms of election signage, ensuring the appropriate placement of election signs may encourage alternative forms of election advertising that could serve to reduce the waste generated through traditional means.

## **ALTERNATIVES**

- 1) Regional Council could choose not to adopt amendments to By-law S-800, thus leaving the matter of Election Signage silent under the current by-law.
- 2) Regional Council could delay a decision in regard to amendments to By-law S-800 to a future date when the Temporary Signs By-law is redrafted and comes before Regional Council.
- 3) Regional Council could propose further amendments in regard to the specifics of direction on Election signage as proposed in By-law S-800.

Proposed Amendments to By-Law S-800- Temporary Signs  
In regard to Election Signage  
**Council Report**

---

- 5 -

**August 14, 2012**

**ATTACHMENTS**

Attachment A Proposed Amendments to By-Law S-800 Licensing of Temporary Signs in  
regard to Election Signage

Attachment B By-law S-802, Amending By-law S-800

---

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 490-6308

Report Prepared by: Cathy J. Mellett, Municipal Clerk/Returning Officer and Sara Knight, Solicitor

Report Approved by: \_\_\_\_\_  
Marian Tyson, A/Director of HRM Legal Services & Risk Management

Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance & Information, Communications & Technology/CFO, 490-6308

---

## **APPENDIX A**

**(Showing proposed amendments to By-law S-800)**

### **HALIFAX REGIONAL MUNICIPALITY BY-LAW S-800 RESPECTING REQUIREMENTS FOR THE LICENSING OF TEMPORARY SIGNS**

#### **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 A); and
  - (vi) be permitted if a sidewalk does not contain a furnishing and service zone or a frontage zone (see Schedule A).
- (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 A); and
  - (v) be permitted if a sidewalk does not contain a furnishing and service zone or a frontage zone (see Schedule A).
- (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 7A Election Signs**

##### Placement of election signs in Street Right of Way

##### 7A.1 In Part 7A:

- (a) "Candidate" means a candidate under the *Municipal Elections Act*, R.S.N.S., 1989, c.300, as amended; *Elections Act*, S.N.S., 2011 c. 5, as amended; *Canada Elections Act*, 2000 S.C., c. 9, as amended.
- (b) "Election" means:
  - (i) a federal, provincial or municipal election;
  - (ii) a Halifax Regional School Board election;
  - (iii) a Conseil scolaire acadien provincial election;
  - (iv) a special election or by-election;
  - (v) a plebiscite; and
  - (vi) a referendum.
- (c) "Election sign" means:
  - (i) a sign that promotes a candidate for an election; or
  - (ii) a sign that promotes an approval or disapproval in respect of the question being posed in a referendum or plebiscite.

##### 7A.2 (1) Notwithstanding section 7.1 of this By-law, election signs are permitted within the street right-of-way if the following conditions are met:

- (a) The signs shall be no larger than 1.5 square metres in area;
- (b) The signs shall be less than 2 metres above ground level, as measured from the top of the sign;
- (c) The signs shall not interfere with or obstruct the view of any traffic signal light, or traffic control sign;
- (d) The signs shall not interfere with or obstruct the view at any street intersection, any pedestrian crosswalk, any driveway connection to a street, or the intersection of a street with a railway crossing;

- (e) On streets without sidewalks, the signs shall be located at least 1.5 metres from the curb or, where there is no curb, the edge of pavement;
  - (f) The signs shall not overhang the pedestrian way or travelled portion of the street;
  - (g) The signs shall not be placed on a median or island installed within the street; and
  - (h) The signs shall be erected with the consent of the owner or occupant of the abutting property.
- (2) Election signs shall not be erected or displayed within the street right-of-way for a municipal election:
- (a) For a regular election, until September 1 in the year of the election, and
  - (b) For a special election held pursuant to section 13 of the *Municipal Elections Act*, until the Council names a day for the special election.
- (3) Election signs shall not be erected or displayed within the street right-of-way for a provincial or federal election until the day the writ of election is issued.
- (4) Election signs shall not be erected or displayed within the street right-of-way for a referendum under the *Referendum Act*, S.C. 1002, c. 30 until the day the writ of referendum is issued.

#### **Placement of Election Signs on Municipal Property**

- 7A.3 (1) Election signs are not permitted on municipally-owned property, except as specifically permitted within the street right of way.
- (2) Election signs shall not be placed within the street right of way abutting a municipal park or a facility that is owned or operated by the municipality.

#### **Placement of Election Signs on Private Property**

- 7A.4 (1) Election signs may be erected or displayed on private property at any time with consent of the owner.
- (2) Election signs on private property must not interfere with or obstruct:
- (a) the view of any traffic signal light or traffic control sign; or
  - (b) the view at any street intersection, any pedestrian crosswalk, any driveway connection to a street, or the intersection of a street with a railway crossing.

#### **General Provisions for Election Signs**

- 7A.5 (1) No application, fee, or license is required for election signs.
- (2) Election signs may be erected or displayed at any time and at any location for which approval and/or licensing has already been granted for a sign under this By-law or any other.



(3) Part 10 of the By-law applies to election signs.

#### **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 (a) 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 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.

## APPENDIX B

### HALIFAX REGIONAL MUNICIPALITY

#### BY-LAW NUMBER S-802

#### Respecting Amendments to By-Law No. S-800, the By-law for Temporary Signs

**BE IT ENACTED** by the Council of the Halifax Regional Municipality, that By-law S-800, the Halifax Regional Municipality By-law for Temporary Signs, as amended, is further amended by:

- 1) Adding Part 7A following Part 7 of the By-law as follows:

#### **Part 7A Election Signs**

#### **Placement of election signs in Street Right of Way**

##### **7A.1 In Part 7A:**

- (a) "Candidate" means a candidate under the *Municipal Elections Act*, R.S.N.S., 1989, c.300, as amended; *Elections Act*, S.N.S., 2011 c. 5, as amended; *Canada Elections Act*, 2000 S.C., c. 9, as amended.
- (b) "Election" means:
  - (i) a federal, provincial or municipal election;
  - (ii) a Halifax Regional School Board election;
  - (iii) a Conseil scolaire acadien provincial election;
  - (iv) a special election or by-election;
  - (v) a plebiscite; and
  - (vi) a referendum.
- (c) "Election sign" means:
  - (i) a sign that promotes a candidate for an election; or
  - (ii) a sign that promotes an approval or disapproval in respect of the question being posed in a referendum or plebiscite.

**7A.2 (1)** Notwithstanding section 7.1 of this By-law, election signs are permitted within the street right-of-way if the following conditions are met:

- (i) The signs shall be no larger than 1.5 square metres in area;
- (ii) The signs shall be less than 2 metres above ground level, as measured from the top of the sign;

- (iii) The signs shall not interfere with or obstruct the view of any traffic signal light, or traffic control sign;
  - (iv) The signs shall not interfere with or obstruct the view at any street intersection, any pedestrian crosswalk, any driveway connection to a street, or the intersection of a street with a railway crossing;
  - (v) On streets without sidewalks, the signs shall be located at least 1.5 metres from the curb or, where there is no curb, the edge of pavement;
  - (vi) The signs shall not overhang the pedestrian way or travelled portion of the street;
  - (vii) The signs shall not be placed on a median or island installed within the street; and
  - (viii) The signs shall be erected with the consent of the owner or occupant of the abutting property.
- (5) Election signs shall not be erected or displayed within the street right-of-way for a municipal election:
- (i) For a regular election, until September 1 in the year of the election, and
  - (ii) For a special election held pursuant to section 13 of the *Municipal Elections Act*, until the Council names a day for the special election.
- (6) Election signs shall not be erected or displayed within the street right-of-way for a provincial or federal election until the day the writ of election is issued.
- (7) Election signs shall not be erected or displayed within the street right-of-way for a referendum under the *Referendum Act*, S.C. 1002, c. 30 until the day the writ of referendum is issued.

#### **Placement of Election Signs on Municipal Property**

- 7A.3 (1) Election signs are not permitted on municipally-owned property, except as specifically permitted within the street right of way.
- (2) Election signs shall not be placed within the street right of way abutting a municipal park or a facility that is owned or operated by the municipality.

#### **Placement of Election Signs on Private Property**

- 7A.4 (1) Election signs may be erected or displayed on private property at any time with consent of the owner.
- (2) Election signs on private property must not interfere with or obstruct:
- (a) the view of any traffic signal light or traffic control sign; or
  - (b) the view at any street intersection, any pedestrian crosswalk, any driveway connection to a street, or the intersection of a street with a railway crossing.

**General Provisions for Election Signs**

7A.5 (1) No application, fee, or license is required for election signs.

(2) Election signs may be erected or displayed at any time and at any location for which approval and/or licensing has already been granted for a sign under this By-law or any other.

(3) Part 10 of the By-law applies to election signs.