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Item No. 11.1.11

Halifax Regional Council
December 10, 2013

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 2, 2013

SUBJECT: Temporary Sign By-Law Amendments

ORIGIN

- October 24, 2006, Regional Council motion directing staff to prepare amendments limiting the use of mobile signs within the Cole Harbour/Westphal and Sackville Drive plan areas and the period of time that Mobile Signs may be permitted;
- November 13, 2007, Regional Council motion directing staff to review the sandwich boards signs provisions of the Temporary Sign By-Law;
- June 10, 2008, Regional Council received an Information Report update on the status of the amendments to the Temporary sign By-Law;
- August 4, 2009, Regional Council initiation of amendments of By-Law S-800 respecting requirements for the licencing of temporary signs; and
- September 11, 2012, Regional Council deferral of amendments to the Temporary Sign By-Law regarding election signs.

LEGISLATIVE AUTHORITY

- Halifax Regional Municipality Charter, Part VII, Section 186 - Power to regulate, license and prohibit.
- Halifax Regional Municipality Charter, Part VII, Section 188 - Power to make By-Laws.

(RECOMMENDATIONS ON NEXT PAGE)

RECOMMENDATIONS

1. Move first reading and schedule a public hearing to consider the adoption of the proposed By-Law S-801 - Temporary Sign By-Law, as contained in Attachment A, to replace By-Law S-800 - Respecting the Requirements of Temporary Signs;
2. Adopt the proposed By-Law S-801 - Respecting Requirements for the Licensing of Temporary Signs, as contained in Attachment A, to become effective 90 days from the date of publication of the By-Law;
3. Repeal By-Law S-800 - Respecting Requirements for the Licensing of Temporary Signs, the existing by-law that regulates temporary signs; and
4. Approve the proposed amendments to Administrative Order 15, as contained in Attachment B.

BACKGROUND

On September 26, 2006, Regional Council adopted HRM's current Temporary Sign By-Law (By-Law S-800). It regulates the installation of a variety of mobile signs on public and private property through licencing. Such signs include mobile signs, sandwich boards, banners and inflatable signs. Businesses and other uses are permitted to have various types of permanent signs, which are regulated through HRM's community land use by-laws. Temporary signs are viewed as a further means of advertising businesses and events.

Since the adoption the 2006 temporary sign by-law, Regional Council, HRM staff, sign companies, and the public, have identified a need to improve upon the requirements and administration of temporary signs. In addition, Regional Council has identified a need to regulate election signs, which are not specifically considered in the current by-law. To suitably address these matters, a completely new temporary sign by-law is proposed.

In the course of undertaking the review of the temporary sign by-law, some merchants in the Spring Garden Road commercial district expressed a desire to have directional signage for businesses that are along that area's side streets. Although the proposed temporary sign by-law does not address this initiative, information is provided about how this might be advanced as a separate capital project initiative.

DISCUSSION

Introduction:

The existing temporary sign by-law allows for the following types of temporary signs:

- Inflatable signs;
- Banner signs (banners that are affixed to a building wall that are normally used to advertise events such as grand openings);
- Mobile signs (signs that are on frames with wheels so that they may be readily moved);
- Box signs (also referred to as planter box signs, which are signs that are similar to mobile signs but that have a wooden base rather than a frame); and
- Sandwich board signs.

All of the above signs are permitted on private property and may be used to advertise on-site commercial, industrial, and institutional uses, and vacancies within apartment buildings of 50 or more units. They may also be used by institutional groups to advertise events or other matters that may or may not be occurring on the same site upon which the sign is located.

The existing temporary sign by-law also allows for any of the above-noted signs on municipal property to promote community events. Sandwich boards signs are also permitted within street rights-of-way, and can be used for advertising by any adjoining commercial, industrial, or institution use.

These sign allowances are subject to a variety of regulations relating to the size, placement, and duration of time that the various types of signs may be installed. The proposed by-law serves to rationalize some of these requirements for temporary signs on private property and public property, including municipal rights-of-way. In addition to the material changes, the by-law includes refinements of definitions, general provisions and enforcement and penalties.

Temporary Signs on Private Property:

Highlights of the proposed allowances for temporary signs on private property include the following:

- a new requirement increasing the situations where temporary signs will be allowed by license;
- clarification that commercial, industrial, or institutional zoned uses may install one of each of the identified temporary signs in the by-law (mobile, box, banner, inflatable, and sandwich board sign) concurrently on their property;
- a new requirement that harmonizes the separation distance to 125 feet between mobile and box signs;
- clarification of the display duration for mobile and box signs (elimination of the “up & down” time); and
- a continuation of the allowances for community events to use any of the allowed temporary signs on private property.

An overview of some of the proposed key requirements for the various types of temporary signs that are to be permitted on private property are found in Table 1.

Table 1, Temporary Sign Allowances on Private Property

Sign Type	Max. Size	Duration	Number of Signs	Additional Info.
Inflatable	N/A	30 calendar days 6 times/yr.	1/premises	
Banner	100 sq. ft.	30 calendar days 6 times/yr.	1/premises	Not be affixed to retaining walls, fences & trees
Community Event	Determined by style of sign definition	60 calendar days	N/A	
Mobile	50 sq. ft. sign area/side 10 ft. height	1 year	determined by 125 ft. separation distance	20 ft. setback from curb face
Box	50 sq. ft. sign area/side 12 ft. height	1 year	determined by 125 ft. separation distance	20 ft. setback from curb face Decorative Header
Sandwich Board	2.6 ft. x 4 ft./side	N/A	N/A	Business hours display only
Short Term Event	Determined by style of sign definition	7 calendar days	1/premises 6 times/year	24 hour notice Removed 1 st business day post event

Temporary Signs on Public Property:

Highlights of the proposed allowances for temporary signs on public property include the following:

- limited to community event signage and sandwich boards in the rights-of-way;
- a continuation of the requirement that all temporary signs require a license; and
- new allowances for oversized sandwich board signs, as requested during consultation with the business improvement districts to address the desirability for existing signs in downtown Halifax

An overview of the some of the proposed key requirements for the various types of temporary signs that are to be permitted on private property are found in Table 2.

Table 2, Temporary Sign Allowances on Municipal Property

Sign Type	Max. Size	Duration	Number of Signs	Additional Info.
Community Event	Determined by style of sign definition	30 calendar days	N/A	
Sandwich Board	2 ft. x 3 ft. /side	1 year	1/premises	7 ft. unobstructed area of sidewalk business hours display only setback 1.5 ft. from curb face No moving parts/lights
Oversized Sandwich Board	N/A	1 year	1/premises	Restrained parallel with building face with a max. 3 inch projection

Election Signs:

As a unique category of signs, Regional Council has expressed a desire to have some standards for the installation of election signs. The proposed by-law regulates the location and display period of election signs for municipal (including school boards), provincial and federal elections. Election signs may be located within the Municipal right-of-way or on private property without a license, but are limited to 16 square feet in area, to a maximum of 6.5 feet in height, and may not encroach upon the travelled way of a street or sidewalk.

Duration of election signage is governed by provincial and federal legislation. For Municipal elections, signage shall not be erected until September first of the election year. For provincial and federal elections, signage may be erected the day the writ is issued.

Licensing Requirements and Fees:

As noted above, with the new by-law, it is proposed that the majority of temporary signs will require a license. This ensures proper administration and enforcement of the program.

With the exception of mobile and box signs, there are no substantial changes to the fee structure for temporary signs that is proposed. The fee for an annual license for a mobile sign is proposed to increase from \$240 to \$360. Applicants will also be able to continue to purchase a monthly mobile sign license at a rate of \$30/month. The monthly license option provides a less expensive and shorter term for business operators who may find an annual commitment unsatisfactory for their advertising requirements. Box sign license fees increase from \$80 to \$100/year.

The rationale for the mobile sign fee change is to provide an incentive for applicants to choose the annual license and the “Box” style mobile sign in the interest of aesthetics and streamlining of administration of the By-Law. For a complete list of fees, see Attachment B Administrative Order 15 (Respecting License, Permit and Processing Fees) Amendments.

Administration:

The issuance of licenses will be a function of the Municipal Licensing Administrator. This is a new aspect of the by-law program that will require internal changes to the way in which the temporary signs are administered. To allow this to occur and provide sufficient time to educate the sign industry and other stakeholders about these changes, it is recommended that the new by-law and the other related amendments become effective 90 days following the date of the publication of the By-Law.

Spring Garden Road Commercial Area:

As part of the consultation for the temporary sign by-law review, staff consulted with the business improvement district associations. A majority of business operators in attendance from the Spring Garden Road Area requested an alternative to a pending loss of the existing illegal off-site sandwich boards with increased By-Law enforcement.

Pedestrian traffic in the downtown business districts tends to be heaviest on the major thoroughfares. Business operators located on the intersecting side streets have an interest in alerting pedestrians to their location. The on-going practice of congregating sandwich boards signs at nearby major intersections has evolved in an effort to attract additional customers to the less travelled streets of the business districts.

In response, staff proposed the implementation of a business directional signage program, identified as a possible solution, in partnership with the Spring Garden Area Business Association. The directional signs would be located at key street intersections on Spring Garden Road (Appendix F).

Supporting policy for directional signage can be found in the following documents:

- Capital District Urban Design Study; approved in principle by Regional Council May 25, 2004; and
- Downtown Halifax Secondary Planning Strategy Policy 67; approved by RC Jun. 16, 2009 (Attachment G).

The implementation of a business directional signage program for the Spring Garden Road Area would entail future discussions at the request of the Spring Garden Road Business Association about how the program would be implemented from a budget and administrative perspective.

FINANCIAL IMPLICATIONS

The costs to process this project can be accommodated within the approved 2013/14 Operating budget for C320 Planning Services.

Implementation planning to support the by-law is currently underway. It is presumed that costs associated with by-law services will be accommodated within the approved operating budgets for the affected business units.

Costs associated with the Spring Garden Road Business Directory Signage program are not accommodated. Should the program be initiated, project funding would be required.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on October 29, 2009, at Halifax West High School (Attachment C). Notices were posted on the HRM website and in the newspaper.

It is recognized that considerable time has passed since this time, but staff suggest that the issues associated with temporary signs have not changed. A public hearing is required by Council to consider approval of any amendments, which provides a further opportunity for public input. Should Council decide to proceed with a Public Hearing on this application, advertisements will be published in the newspaper.

The proposed By-Law amendments will potentially impact stakeholders including business owner/operators, business property owners and the temporary sign industry.

In addition to the public information meeting, staff also consulted the Advisory Committee for Persons with Disabilities (Disabilities Committee) and the Business Improvement Districts.

Advisory Committee for Persons with Disabilities:

On November 16, 2009, staff met with the Advisory Committee for Persons with Disabilities (Minutes Excerpt, Attachment D). Despite the lack of quorum, the Committee received the staff information, raised questions for clarification and provided feedback on the Temporary Sign By-Law and the proposed amendments. The Committee consensus was the proposed amendments should improve conditions for sidewalk/crosswalk users by providing an accessible, predictable and hazard-free environment for all users.

Business Improvement District Information Meetings:

Coordinated through the Business Improvement District (BID) executives, Staff held four meetings to provide information on the proposed amendments, solicit feedback, and explained the amendment process. A meeting was organized for each BID with the peninsular Halifax BIDs choosing a joint meeting of the Downtown, Spring Garden and Quinpool BIDs. The Spryfield and District BID indicated their support of the proposed amendments and declined the meeting. The meetings were held as follows:

- November 13, 2009 Sackville Drive Area Business Association; Sackville Library: 7 Attendees;
- November 23, 2009, Downtown Dartmouth Business Commission, Alderney Library: 2 Attendees;
- December 28, 2009, Main Street Business Association, Tacoma Drive Sobeys: 4 Attendees; and

- January 6, 2010, Downtown Halifax/Spring Garden/Quinpool BIDs, Bloomfield Centre: 23 Attendees (See Attachment E, Downtown Halifax BID Written Submission).

At each meeting, Staff provided a presentation on the proposed amendments and responded to questions seeking clarification of the proposed changes. Issues raised respecting provisions for enabling oversized sandwich boards and a Spring Garden Road Business Directional Sign Program requirement, are addressed in the Discussion section of this report.

Further Community Consultation

As noted earlier in the report, additional consultation is proposed with the sign industry and other stakeholders in order to ensure a proper transition to the new temporary sign program. This will take the form of meetings and the production of education materials to explain the HRM's requirements.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

1. Council may choose to adopt the proposed temporary sign by-law, by-law amendments, and administrative order changes. This is the staff recommendation.
2. Council could direct staff to undertake additional public consultation before proceeding to a public hearing. This is a viable alternative if Council feels that such consultation is necessary. This is not recommended on the basis that the issues from the time in which the initial public consultation was undertaken are unchanged and that there is a further opportunity for public comments through the proposed public hearing.
3. Council may choose not to adopt the proposed temporary sign by-law, by-law amendments, and administrative order changes. This is not recommended for the reasons outlined in this report.

ATTACHMENTS

Attachment A	Proposed By-Law S-801 - Respecting Licensing of Temporary Signs
Attachment B	Proposed Amendments to Administrative Order 15 License, Permit and Processing Fees
Attachment C	Public Information Meeting Minutes
Attachment D	Advisory Committee for Persons with Disabilities Minutes Excerpt
Attachment E	Written Submission: Downtown Halifax Business Commission

Attachment F Spring Garden Road Prototype Business Directory Sign Pole
Attachment G Downtown Halifax Secondary Planning Strategy Excerpt

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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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BY-LAW NUMBER S-801

A BY-LAW RESPECTING LICENSING OF TEMPORARY SIGNS

**Halifax Regional Municipality
By-law S-801
Respecting Licensing of Temporary Signs**

BE IT ENACTED by the Council of Halifax Regional Municipality pursuant to Halifax Regional Charter as follows:

PART I: INTERPRETATION

Number and Short Title

1 This By-law shall be known as By-law S-801, and may be cited as the “By-law for Temporary Signs”.

Definitions

2 In this By-law,

- (a) “Appeals Committee” means the Committee as established by By-law A-100, the Appeals Committee By-law;
- (b) “Banner” means a non-rigid temporary sign made of cloth, canvas, plastic or other light weight non-rigid material that is used or functions as a sign;
- (c) “Box Sign” means a sign that has a wooden box-shaped base with an enclosed weighted system, a double-sided sign and a decorative header above the sign face.
- (d) “Business Site” means a group of businesses which share common site services such as parking and access;
- (e) “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;
- (f) “Community Event” means any of the following:
 - (i) not for profit events,
 - (ii) public information meetings,
 - (iii) festivals,
 - (iv) performances,
 - (v) sport activities,
 - (vi) religious events, or
 - (vii) cultural events;

- (g) “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;
- (h) “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;
- (i) “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;
- (j) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (k) “Height” means with reference to a sign, the vertical distance of a sign between the lowest point of grade adjacent or below the sign and the highest point of the sign;
- (l) “HRM” means Halifax Regional Municipality;
- (m) “Inflatable Sign” means a non-rigid, gas or air filled bag or balloon used to advertise or attract attention;
- (n) “License Administrator” means the person or persons designated by the Chief Administrative Officer and includes a person acting under the supervision and direction of the License Administrator;
- (o) “Mobile Sign” means a temporary sign specifically designed or intended to be readily moved, not affixed to a building or foundation and which does not rely on a building or fixed foundation for its structural support;
- (p) “Multiple Resident Sign” means a temporary sign used to advertise leasehold vacancies in buildings with dwelling units;
- (q) “Municipality” means the Halifax Regional Municipality and HRM;
- (r) “Municipal Property” means a property, other than a street right of way, owned by or under the control of the Municipality or any of its agencies, boards or commissions;

- (s) “Owner” in respect of the sign means any person:
 - (i) who placed or installed the sign,
 - (ii) who is in lawful control of the sign,
 - (iii) who is described in the sign,
 - (iv) whose name or telephone number appears on the sign,
 - (v) who is the subject of or otherwise benefits from the message on a sign; or
 - (vi) who owns the property on which the sign is situated;and for the purposes of this By-law there may be more than one owner of a sign;
- (t) “Peace Officer” means a police officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;
- (u) “Person” means a natural person, corporation, partnership, an association, firm, agent, trustee, and includes the heirs, executors or other legal representatives of a person, or owner;
- (v) “Personal Message” means a conveyance of expression of a personal opinion, that does not identify, describe, promote, advertise or direct readers to a particular land use, event, sale, or business;
- (w) “Place” means:
 - (i) affixing, attaching, displaying, erecting or installing; or
 - (ii) causing, arranging or directing the affixing, attaching, displaying, erecting or installing of a sign;
- (x) “Premises” means a specific property, and may include all buildings and necessary structures thereon, separate businesses, or an individual business, within a multi-tenant building or business site;
- (y) “Sandwich Board Sign” means a temporary sign, freestanding, intended for 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;
- (z) “Short Term Event” means an event not exceeding seven (7) calendar days;
- (aa) “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;

- (bb) “Sign” means any structure, medium or device designed to or intended to convey information through the use of words, images, symbols, pictures, logos or any combination thereof for the purpose of providing direction, information, identification, advertisement, business promotion or the promotion of a product, activity, service or idea;
- (cc) “Sign Face” 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;
- (dd) “Sign License” means a temporary sign license issued under this By-law for the legal placement of a sign;
- (ee) “Street” means all HRM 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;
- (ff) “Temporary Sign” means a sign that is not intended, by its construction, appendage, material or type to be permanent and includes Banners, Box Signs, Inflatable Signs, Mobile Signs, Sandwich Board Signs, Community Event Signs, Election Signs, and Third Party Signs as defined herein, and all other signs which are not permanent; and
- (gg) “Third Party Sign” means a temporary sign that directs attention to a business, profession, activity, commodity, service or entertainment, conducted, sold, promoted or offered elsewhere than on the premise where such sign is located or within the building to which such sign is affixed, but excludes sign manufacturer’s identification plates on temporary signs and Community Event Signs.

Applicability

3

- (1) This By-law shall apply to all temporary signs in the Municipality. Subject to subsection (3), 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 stated herein.
- (2) Except as otherwise permitted by the provisions of this By-law, or a Streets and Services Permit, temporary 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.
- (3) 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.
- (4) This By-law shall not apply to signs for municipal purposes.

- (5) This By-law shall not apply to a personal message.

Powers of License Administrator

4 The License Administrator is authorized and empowered to:

- (1) grant a sign license;
- (2) refuse to grant a sign license;
- (3) suspend a sign license;
- (4) revoke a sign license;
- (5) issue the owner a Notice to comply with this By-law; and
- (6) issue the owner an Order to comply with this By-law.

PART II: LICENSING

Application for Sign License

5

- (1) The applicant for a Sign License shall complete an application in a form prescribed by the License Administrator.
- (2) A separate application shall be made for each Sign License.
- (3) An application for a Sign License shall include:
 - (a) the name of the applicant, and:
 - (i) if the applicant is a natural person, it must be signed by him or her; or
 - (ii) if the applicant is a corporation, organization, society or other body, it must be signed by a director or officer who has the authority to bind the corporation, organization, society or other body;
 - (b) a written consent from the owner of the premises, if other than the applicant;
 - (c) a Certificate of Insurance evidencing proof of insurance and pursuant to Section 15(7) of this By-Law;
 - (d) a site plan that shows:
 - (i) the location and type of the proposed sign in relation to curb and sidewalk, if applicable,

- (ii) edge of travel way and property lines, buildings, landscaped areas, parking, driveways, adjacent streets, and
 - (iii) any other Sign;
- (e) plan, drawn to a metric scale, showing the graphic design and construction materials of the proposed sign;
- (f) written permission by the property owner or approved management company for a Third Party Sign;
- (g) duration of the sign placement;
- (i) payment of fees according to the provisions of Administrative Order No. 15, excepting fees shall be waived for community events;
- (j) any other information required by the License Administrator to evaluate the application under the terms of this By-law.

Refusal to Grant a Sign License

6 The License Administrator shall refuse to grant a Sign License if:

- (1) the application is incomplete or contains false or misleading information;
- (2) the proposed sign does not comply with the requirements of this By-law; or
- (3) the proposed sign would present a risk of harm to the health or safety of the public, or would constitute a nuisance.

Requirements of a Granted Sign License

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- (1) A Sign License granted by the License Administrator shall:
 - (a) specify the expiry date of the license;
 - (b) be clearly displayed in the bottom right hand corner on the sign for which it was issued; and
 - (c) not be removed, except with the consent of the License Administrator.
- (2) Terms and Conditions of the Sign License shall be provided by the License Administrator.

Transferability of a Granted Sign License

8 A Sign License granted pursuant to this By-law is not transferrable.

PART III: TEMPORARY SIGN REQUIREMENTS AND PROVISIONS

Requirements for a Sign License

9

- (1) Every sign requires a Sign License issued under this By-law, except as herein provided.
- (2) Upon expiry, cancellation, suspension or revocation of a Sign License, the sign shall be removed by the owner.
- (3) The owner of a sign shall keep it in a state of good repair at all times.
- (4) Where any sign:
 - (a) is in a state of disrepair;
 - (b) is in a dangerous condition,
 - (c) is in an unsightly condition, or
 - (d) may be a hazard,the License Administrator may require the owner to remove or repair the sign.

General Provisions

10

- (1) No Sign License shall be issued for a sign not listed in this By-law.
- (2) No person shall place or permit a sign that:
 - (a) advertises or intends to advertise a company that is no longer in business or a product or service that is no longer available;
 - (b) advertises a premises other than that for which the license has been issued;
 - (c) is unsupported or unsecured to the ground or a permanent structure;
 - (d) obstructs or interferes with the view of any motorists or pedestrians;
 - (e) in the opinion of the Engineer may:
 - (i) be confused with any traffic signal light, control sign or device;
 - (ii) obstruct or interfere with the movement of motorists or pedestrians at any street intersection, any driveway street connection, any railway crossing or bridge;
 - (iii) interfere with traffic control or safety;
 - (iv) produce or cause glare to motorists, pedestrians or neighbouring premises; or

- (v) moves or appears to move.
 - (f) makes use of words, phrases or symbols used in traffic control signs and which, in the opinion of the Engineer, may interfere with traffic control or safety;
 - (g) interferes with any warning or instructional sign;
 - (h) in relation to a building interferes with any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress;
 - (i) obstructs any fire hydrant, firefighting hose connection or fire escape;
 - (j) interferes with any surface or underground facilities, conduits or lines for water, sewage, gas, electricity or communication equipment;
 - (k) is attached to or interferes with any utility wires, utility poles, light standards, traffic signal poles, trees or supports thereof;
 - (l) is located within a Daylighting Triangle;
 - (m) is located on a center median or island installed within a street;
 - (n) is located on the roof of any building, except for Inflatable Signs;
 - (o) incorporates a strobe light or flashing light;
 - (p) does not have an Sign License affixed to the sign as supplied by the License Administrator at time of issuance;
 - (q) is a Third Party Sign, other than a Community Event Sign;
 - (r) is created by the joining or placement of multiple signs to form a single message.
- (3) Illumination of signs:
- (a) may only be by constant, stationary, shielded light sources, which are solely directed at the sign or are internal to the sign; and
 - (b) shall only be illuminated during hours of operation of the premises to which it relates.
- (4) Mobile Signs are not permitted within the C-1 Zone in Cole Harbour/Westphal Municipal Planning Strategy boundary within the C-1 Zone except for community events as per Section 12(5)

- (5) Mobile Signs are not permitted within the Downtown Dartmouth Secondary Planning Strategy boundary within any zone except for community events as per Section 12(5).
- (6) Box Signs shall not be permitted in areas zoned C-1 within the Cole Harbour/Westphal Municipal Planning Strategy, the Bedford Municipal Planning Strategy, and the Downtown Dartmouth Secondary Planning Strategy

PART IV: SIGNS ON PRIVATE PROPERTY

- 11** Unless otherwise provided, a sign shall only be permitted on private property subject to the applicable land use regulations and requirements herein.

Signs requiring a Sign License

- 12** A Sign License is required for the following signs on private property:

Inflatable Sign

- (1) A license for an Inflatable sign may be issued provided that:
 - (a) such sign shall not be placed for a period exceeding 30 consecutive calendar days;
 - (b) no more than one license will be issued within a 60 calendar day period; and
 - (c) there is no more than one per premises;

Banner

- (2) A license for a Banner may be issued provided that:
 - (a) such sign shall not be placed for a period exceeding 30 consecutive calendar days;
 - (b) no more than one license will be issued within a 60 calendar day period;
 - (c) such sign be no larger than 9.3 square metres (100 square feet) in area;
 - (d) such sign shall not be affixed to natural objects including trees, stone, retaining walls, and fences; and
 - (e) there is no more than one per premises.

Mobile Sign

- (3) A license for a Mobile Sign may be issued for a period not exceeding one (1) year provided:
 - (a) it has a maximum of two surfaces which shall be back to back, and the sign area of each surface shall not exceed 4.64 square metres (50 square feet) per surface;

- (b) it shall not exceed 3.0 metres (10 feet) in height;
- (c) it is:
 - (i) set back a minimum of 6.1 metres (20 feet) from the edge of the pavement or travel portion of the road; and
 - (ii) in no case shall the sign be located within the street right-of-way;
- (d) where the street right-of-way boundary is located closer than the setbacks as stipulated herein, the License Administrator may reduce the setback;
- (e) it is separated a minimum of 38 metres (125 feet) from any other Mobile or Box Sign;
- (f) it shall incorporate 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 nor use sandbags or other loose weights on frame legs.

Box Signs

- (4) A license for a Box Sign may be issued for a period not exceeding (1) one year provided:
 - (a) it has a maximum of two surfaces which shall be back to back, and the sign area of each surface shall not exceed 4.64 square metres (50 square feet) per surface;
 - (b) it shall not exceed 3.6 metres (12 feet) in height including a header which may include the permanent name or logo of the business advertised;
 - (c) it is
 - (i) set back a minimum of 6.1 metres (20 feet) from the edge of the pavement or travel portion of the road; and
 - (ii) in no case shall the sign be located within the street right-of-way;
 - (d) where the street right-of-way boundary is located closer than the setbacks as stipulated herein, the License Administrator may reduce the setback;
 - (e) it is separated a minimum of 38 metres (125 feet) from any Mobile or other Box Sign; and
 - (f) it incorporates an enclosed weighted system as its support with the sign surface forming part of the enclosed weighted system but shall not be a Mobile Sign with the support legs situated within the enclosed weighted system;

Signs for Community Events

- (5) A Sign License for a sign advertising a Community Event may be issued provided the sign is not placed for a period exceeding sixty (60) calendar days;

Signs that do not require a Sign License

13 A Sign License is not required for the following signs on private property:

Sandwich Board

- (1) A Sign License for a Sandwich Board on private property is not required provided that:
- (a) such sign does 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) such sign shall not exceed more than one per premises; and,
 - (c) such sign shall only be displayed during business hours.

Signs for Short Term Events

- (2) A Sign License for a sign advertising a Short Term Event is not required provided:
- (a) HRM is notified 24 hours in advance of:
 - (i) the proposed location of the sign;
 - (ii) the type of sign; and
 - (iii) sufficient information to identify the sign, such as the event advertised or a business name;
 - (b) the sign:
 - (i) is separated from all other signs by a minimum of 6 metres (20 feet),
 - (ii) is limited to two per property at any time,
 - (iii) has an area not to exceed 4.64 square metres (50 square feet) per surface,
 - (iv) is limited to one per premises to a maximum of six times per year,
 - (v) is placed for a period not exceeding seven (7) calendar days, and
 - (vi) is removed on the first business day following the event.

PART V: SIGNS ON MUNICIPAL PROPERTY

Signs on Municipal Property

14

- (1) No person shall place or permit to be placed, any sign on Municipal property unless it is a sign for a Community Event.
- (2) A sign for a Community Event placed on Municipal property:
 - (a) requires a Sign License; and
 - (b) shall not be placed for more than sixty (60) days.

Signs in the Street Right of Way

15

A Sign License for a sign in the street right of way may be issued for a period not exceeding one (1) year provided that:

- (1) such signs are restricted to sandwich boards;
- (2) such signs shall not exceed one per premises;
- (3) such sign shall conform to the following requirements:
 - (a) does not obstruct pedestrians or constitute a hazard;
 - (b) does not exceed 0.6 metres (2.0 feet) in width and 0.9 metres (3.0 feet) in height;
 - (c) does not have moving parts, display lights, or require electrical power;
 - (d) is displayed only during business hours;
 - (e) is located such that a minimum of 2.1 metres (7 feet) of sidewalk remain clear of all obstructions for pedestrian use;
 - (f) is be placed a minimum 0.45 metres (1 ½ feet) from the face of curb; and
 - (g) is located directly in front of the premises being advertised;
- (4) when used as signage for a Community Event, such sign shall be placed for a period not to exceed thirty (30) calendar days;
- (5) a sandwich board sign that exceeds the size requirements of Section 15(3)(b) of this By-law may be permitted:
 - (a) where all other requirements of the By-law are satisfied;

- (b) no part of a sandwich board sign shall project further than 75mm (3 inches) from the exterior wall or face of the building; and
 - (c) it is secured or restrained to the building to prevent movement of the sign;
- (6) an applicant for a license to place a sandwich board sign in a street right of way shall secure and maintain Commercial General Liability insurance:
 - (a) evidencing minimum limits of two million dollars (\$2,000,000) per occurrence;
 - (b) such insurance shall indemnify the Halifax Regional Municipality, it's Mayor, Councillors, Employees and Agents from any and all loss, injury, claims, suits and costs (including Solicitor) made as a result of the placement or maintenance of the sign;
 - (c) that shall be name Halifax Regional Municipality as an Additional Insured; and
 - (d) proof of the required insurance must be provided with the application for a Sign License;
- (7) the owner shall provide HRM with annual renewal Certificates Of Insurance and any notice of cancellation or material change.

PART VI: ELECTION SIGNS

- 16** A Sign License is not required for election signs.
- 17** Except as provided for herein, election signs are not permitted on Municipal property.
- 18** Part VIII of the By-law applies to election signs.

Placement of election signs in the Street Right of Way

- 19** Election Signs are permitted within the street right of way if the following conditions are met:
 - (1) such signs shall be no larger than 1.5 square metres (16 square feet) in area;
 - (2) such signs shall be less than 2 metres (6.5 feet) in height, as measured from the top of the sign;
 - (3) such signs shall not overhang the sidewalk or travelled portion of the street;
 - (4) with respect to a municipal election such sign shall not be erected:
 - (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.
- (5) with respect to a provincial or federal election such signs shall not be erected until the day the writ of election is issued.
- (6) with respect to a referendum under the *Referendum Act*, S.C. 1002, c. 30, such signs shall not be erected until the day the writ of referendum is issued.
- (7) election signs shall not be placed within the street right of way abutting a Municipal property.

PART VII: ADMINISTRATIVE PROVISIONS

Suspension or Revocation of a Granted Sign License

20 The License Administrator may suspend or revoke a Sign license if:

- (1) the owner fails to comply with a term or condition of the Sign License;
- (2) the owner is convicted by a court of an offence under this By-law;
- (3) the sign,
 - (a) would be a risk to the health or safety of the public, or
 - (b) would constitute a nuisance;
- (4) the license holder fails to keep insurance pursuant to this By-law.

21 Notwithstanding sections 29 and 31, a suspension pursuant to section 20(4) shall continue until:

- (1) the license holder provides satisfactory proof that insurance has been reinstated or renewed;
- (2) the Sign License expires; or
- (3) the Sign License is revoked pursuant to subsection 20(4).

Sign Removal

22 The owner shall, on or before the expiration of the Sign License, and at his or her sole expense, remove the Sign.

23 Notwithstanding sections 25(3) and 31, if the License Administrator determines in his or her sole discretion, that the sign is an immediate safety issue, danger or hazard, HRM may,

without notice and without compensating the owner remove the Sign and remedy the safety issue, danger or hazard.

- 24 The License Administrator may issue an Order to the owner that the owner shall, at his or her sole expense, remove the sign if an owner's Sign License is suspended or revoked.
- 25 The License Administrator may cause the sign to be removed if:
- (1) the owner does not remove the sign on or before the expiration of the Sign License term;
 - (2) the owner does not comply with an Order to remove the sign issued under section 20(1), within five (5) business days of being served with the Order; or
 - (3) the owner does not comply with an Order to remove the sign issued under section 20(3), within two (2) business days of being served with the Order.

Cost of Work

- 26 If the Council, a committee, the License Administrator or another employee of the HRM causes work to be done pursuant to sections 23, 25 or 32 the owner shall be fully responsible for the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment.
- 27 In addition to any other remedies at law, if the Council, a committee, the License Administrator or another employee of the HRM causes work to be done pursuant to this By-law, the cost of the work, with interest at the rate determined by the Council, by policy, from the date of the completion of the work until the date of payment, is a first lien on the principle use property upon which, or for the benefit of which, the work was done.

Service

- 28
- (1) Any Notice, Order, decision or other document required to be served under this By-law may be served personally, by mailing it to the person at the latest address shown on the assessment roll or the application for the Sign license, by electronic mail or by facsimile.
 - (2) A Notice, Order, decision or other document is deemed to have been served on the third day after it was sent.

Appeals

- 29
- (1) The refusal by the License Administrator to grant a Sign license may be appealed by the Applicant for the Sign license to the Appeals Committee within four (4) business days of being served with a notice of the refusal.
 - (2) An owner may, within four (4) business days of being served with a Notice that a Sign license will be suspended or revoked under section 20, appeal the decision of the License Administrator to the Appeals Committee.

- (3) An owner may, within four (4) business days of being served with an Order that was issued by the License Administrator, appeal the Order of the License Administrator to the Appeals Committee.
 - (4) For greater certainty, if the License Administrator determines, in his or her sole discretion, that the Temporary Sign is a safety issue, danger or hazard, HRM may, without notice to the owner, remove the Temporary Sign without compensation to the owner.
- 30** An appeal pursuant to section 29 shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.
- 31** If the owner files an appeal, but the Appeals Committee is not scheduled to meet before the date on which the Sign license is to be suspended or revoked, the suspension or revocation shall be held in abeyance until the Appeals Committee has rendered its decision on the appeal.
- 32** After hearing an appeal, the Appeals Committee may:
- (1) deny the appeal; or
 - (2) allow the appeal and reverse the decision of the License Administrator.
 - (3) make any decision the License Administrator could have made under this By-law.

Compliance with Order

- 33** The owner or any other person issued an order shall comply with any Order issued under this By-law.

PART VIII: PENALTY

Penalty

34

- (1) A person who:
 - (a) violates or contravenes a provision of this By-law, a license issued in accordance with this By-law or an Order issued in accordance with this By-law;
 - (b) fails to do anything required by this By-law;
 - (c) fails to do anything required by an Order or license issued pursuant to this By-law;
 - (d) permits anything to be done in violation of this By-law, a license issued under this By-law or an Order issued in accordance with this By-law; or
 - (e) obstructs or hinders any person in the performance of their duties under this By-law or an Order issued this By-law,

is guilty of an offence.

- (2) A person who commits a first offence is liable upon summary conviction to a penalty of not less than two hundred and fifty dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

35 Every day during which an offence pursuant to section 34 continues is a separate offence.

PART VIII: REPEAL AND EFFECTIVE DATE

Repeal of By-law

36 The following By-law is hereby repealed:

By-Law Number S-800

Effective date of By-law

37 This By-law shall come into force 90 days from the date of publication.

Done and passed in Council this ____ day of _____, 2013.

MAYOR

MUNICIPAL CLERK

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2013.

Cathy Mellett
Municipal Clerk

Attachment B
Proposed Amendments to Administrative Order 15 License, Permit and Processing Fees

BE IT ENACTED by the Council of the Halifax Regional Municipality Administrative Order Number 15, Section 15 be amended by deleting the text shown in ~~strikeout~~ and inserting the text shown in **bold**, as follows:

~~S-900 Temporary Signs By-law~~
S-801 By-law for Temporary Signs

short term event signs:	\$20 per license per occasion
grand opening/moving signs:	\$20 per license per occasion
multi-special events signs:	\$20 per license per occasion
apartment building multiple resident signs:	\$20 per license per occasion
mobile signs:	\$60 per license per 120 day occasion \$20 per license per 30 day occasion \$30 per license per 30 day occasion
planter box signs:	\$80 \$100 per license per year
banners:	\$60 per license per occasion
sandwich boards:	
on private property	\$80 per license per year
within public rights of way	\$80 per license per year
Inflatable Sign:	\$30 per license
Community Event Sign:	\$20 per license

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order amendment was passed at a meeting of Halifax Regional Council held on _____, 2013.

Cathy Mellett, Municipal Clerk

**Attachment C
Public Information Meeting Minutes**

Case 01310
October 29, 2009

In attendance:

Councillor Walker	David Lane, Senior Planner
Councillor Wile	Andrew Faulkner, Development Officer
Councillor Hum	Trevor Creaser, Development Officer
Councillor Watts	Sean Audas, Development Officer
Councillor Harvey	Jillian MacLellan, Planner
Councillor Lund	Jacqueline Bellisle, Development Technician
	Holly Kent, Planning Technician
	Gail Harnish, Planning Services

Also in attendance: 2 members of the public

Introductions/purpose of meeting

Mr. David Lane called the public information meeting (PIM) to order at approximately 7:00 p.m. at Halifax West High School. Mr. Lane provided opening remarks and circulated a summary information sheet of the proposed amendments to the Temporary Sign By-law.

Overview of By-law and proposed amendments

Mr. Lane provided an overview using a PowerPoint presentation.

What is the Temporary Sign By-law?

- adopted by Regional Council on September 26, 2006
- applies to private property and right-of-way signage
- signage regulations were previously contained in the twenty-one land use by-laws encompassing all of HRM
- post amalgamation differences in the various regulations were cumbersome to administer and implement; hence, one by-law to cover everybody
- a single by-law allows clarity and consistency that is necessary to level the playing field

How does the By-law work

- identifies the categories of signs covered in the by-law
- prohibits signs that constitute a safety hazard
- inflatable signs that do not require a license
- signs that require a license such as mobile signs, sandwich boards, planter box signs
- posters on community kiosks or notice boards
- temporary signage within rights-of-way
- requirements for each category vary depending on the type of sign

Provisions addressed by the By-law

- application requirements & license duration
- number of signs
- size and location
- maintenance/safety
- prescribes requirements applicants must satisfy for compliance
- common characteristics of signage are addressed, including but not limited to how big, where they may be located and for how long, as well as their upkeep
- by communicating the expectations of all parties, these provisions implement the adopted intent of the by-law
- provides for penalties for violations as well as establishes an appeal process

Why are amendments proposed?

- improve administration
- enhance implementation
- respond to stakeholder input
- Council issues of interest since adoption
- it has been just under three years since the by-law was enacted and during this time staff and industry have provided feedback on its effectiveness
- as stakeholders have evaluated the implementation of the by-law, improvements have been identified
- Council has directed staff to evaluate the effectiveness and identify areas for improvement

What changes are proposed?

- duration
- separation distance
- multi-tenant sites
- housekeeping matters
- a summary sheet has been circulated which lists the various amendments (these are also available on the Planning Services' web page)
- many of the changes are of an administrative nature related to the improved clarification and consistency of implementation of the By-law throughout the Municipality (ie: language clarification, definitions, short-term events and sandwich boards added to those not requiring a license)
- In addition to these housekeeping matters, significant changes to the by-law include:
- elimination of the rest period for mobile signs (the "up and down" time which is currently 60/60 days)
- common separation distance for mobile signs (100') and planter boxes (150') proposed at 125'
- allow third party signs per business site (premises)

Proposed Administrative Changes

- language clarification
- TPW enforcement jurisdiction
- fee schedule adjustments
- the amendment process provides the opportunity to evaluate the effectiveness of the intent of the by-law
- staff is also addressing various requests of Council received since the adoption of the by-law which will be addressed in the subsequent report and recommendation to Regional Council
- signage within rights-of-way is proposed to be removed from the by-law and become the jurisdiction of Transportation and Public Works (TPW) via the Encroachment By-law and Streets By-law. It is TPW resources and staff who are in the field who see these things, so it makes sense for them to take this on. Ken Reashor, Manager of traffic Services is in agreement with the proposed transfer of responsibilities.
- fee increase of \$300 per year for mobile signs is also proposed, while planter box sign fees remain at \$80 per year.

What will not change

- prohibition in the Bedford plan area
- development agreement restrictions
- institution and non-profit exemptions
- temporary signs will remain prohibited in the Bedford Municipal Planning Strategy where signage will continue to be regulated under the Land Use By-law
- where enabled by plan policy, any negotiated development agreement will continue to provide the ability to prescribe signage restrictions that may supercede the by-law
- the ability for schools, churches, non-profit organizations, etc., to use temporary signs for the purpose of public notification of events without being subject to a license fee will remain.

Next steps

- additional stakeholder consultation
- The comments received during this meeting will be reviewed and considered as to how it further contributes to satisfying the intent of the by-law
- A summary of the meeting will form part of the staff report to Council and the minutes will be an attachment
- staff anticipate bringing the report and recommendation forward for Council's consideration before year end
- notification of the public hearing will be published in the Municipal Notices' section of the Chronicle Herald newspaper, as well as on the HRM Planning Services web page, at least two weeks in advance of the hearing date

Questions and Comments

Councillor Hum indicated she has had regular correspondence with Andrew Faulkner who has been very helpful in dealing with Glow Promotions signs in particular and the planter box signs

on the Bedford Highway. The challenge along the Bedford Highway is with the clearance to the sidewalk or the right-of-way. They have had ongoing dealings with some properties who now have a planter box style of sign, and questioned if they were advised of the meeting. She also wondered if the sign companies were notified.

Mr. Faulkner advised we have had meetings with the industry as late as two weeks ago. We listened to their concerns and made some changes and reviewed it with them again. In general, they were supportive of the changes.

Councillor Wile asked for an example of a sign that would be permitted in a parking space.

Mr. Creaser advised the by-law currently restricts you from locating a mobile sign or a planter box sign in a required parking space. They were experiencing difficulties in some of the older strip malls. The applicant would have to submit a detailed parking plan of the entire lot with the allotment of each business to calculate the parking for the whole building to determine if they had in excess of the required parking. We feel it should not be a problem if they take up one parking space for a sign if they meet the separation distance requirement.

Councillor Lund noted there are a lot of Provincial roads in HRM where this would not apply.

Mr. Creaser indicated there are some streets in HRM that are owned by HRM and not under the control of the Department of Transportation (DOT). This by-law still would not affect anything under the ownership or control of DOT. The 103 highway, for instance, would be excluded.

Councillor Lund asked for confirmation that defective signs were not addressed in the by-law.

Mr. Creaser indicated a defective sign would fall under the maintenance clause. We are consulting with Legal to see if we can tighten that up to give us more enforcement ability.

Mr. Lane advised staff did not believe we should be making the determination of what is defective, particularly as it relates to the Electrical Code. We felt it did not belong in this by-law.

Councillor Lund asked for confirmation the by-law would apply to people who nail signs to poles.

Mr. Faulkner advised that is under the control of TPW. We now have an understanding with TPW and their night crew has been cleaning them up.

Councillor Lund commented we are putting everything back in their hands where it should be.

Councillor Lund asked for confirmation that non-profit organizations would be excluded from paying fees. Mr. Creaser confirmed this.

Councillor Lund asked about the duration if they had special events.

Mr. Creaser clarified the current by-law allows them to place a special events sign for 30 days within a 90 day period. We are proposing to change it to allow them to have a 90 day advertising stretch, with the Development Officer having the discretion to extend it for 30 days. He confirmed they would still have to apply for a permit but there is no fee.

Mr. Audas pointed out they would have to meet the requirements relative to setback and separation distances.

Mr. Lane questioned if it was typical for temporary sign industry companies to assist non-profit organizations. Councillor Lund responded yes.

Mr. Faulkner noted in many cases they give them the sign for a short period of time.

It was confirmed that a person wanting to have a mobile sign for a special event would still have to apply for a permit but only if they are on private property or within the HRM right-of-way.

Mr. Creaser commented the industry is well aware of that. We are getting a lot of applications for these type of events.

It was clarified that special event signs are not permitted in the HRM right-of-way.

Councillor Lund questioned if grand opening signs are dealt with under this by-law.

Mr. Creaser confirmed they require a license but it has been replaced with changes to the mobile sign provisions to allow them on a monthly basis. He confirmed there is a fee.

Councillor Lund questioned what a planter box was.

Mr. Faulker indicated it is a box which has the capacity for plantings to be included within it at the base of the sign.

Councillor Harvey commented we got taken in on that assuming people would plant in them. He questioned if we could do something in this by-law to require them to plant appropriate plants if they do have these planter boxes. He did not like to see the empty boxes and suggested they work towards getting rid of them retroactive to a certain date.

Councillor Hum indicated she did not have an issue with planter boxes in the Mainland North area. Most of the companies do a pretty decent job in terms of aesthetics. They are fairly new.

Councillor Walker asked if there was anything the sign companies were looking for that we are not in favour of. The list appears to include everything everybody has complained about for the past three years.

Mr. Creaser indicated when the implementation was taking place, a lot of the feedback he was receiving was that the clutter was disappearing. Administratively the industry was finding it difficult to meet the 60 day up and down time, and it was difficult for staff to meet the turn around time to get the permits out. The proposed amendment will ease the administrative function.

Councillor Walker noted in the past three years he found a lot more summer businesses were buying their own sign with no place to store it or if they have to move it, they have nowhere to move it to. He had an issue with the condition of the signs. When they stay there for a year, the sign is not painted or the rust removed and some of the letters are missing. Some of them are a disgrace. There should be some way to strengthen that to require them to get the signs up to snuff, especially after a major wind storm. More people are buying their own sign because they cannot afford a glow sign, and the first thing off the lot is the sign when a business goes out of business. Also, something should be put in the planter boxes. If they are empty, that is where people throw their garbage.

Mr. Creaser indicated the way we are posing the fee structure is to encourage the planter box sign. There will be no change in the fee. We are hoping with allowing a mobile to be located for up to a year or six months, it will be more cost effective to locate a planter box.

Councillor Walker asked for clarification on proposed amendment #6 - land area requirement deleted for multiple special event signs.

Mr. Creaser indicated the wording was designed for some of the car dealerships who had a lot of land area who wanted to put multiple signs along their property for a big sale.

Mr. Audas elaborated it was for a 5 to 10 acre parcel where you could put up signs for an event for a period of time. Given the requirements for distance separation, and the events only being for 4-5 days or a week, the acreage did not come into play. The separation distance, etc., would remain.

Councillor Walker referenced proposed amendment #12 - elimination of setback distance from sidewalk for mobile signs.

Mr. Faulkner clarified that setback is outside the right-of-way. The right-of-way is usually 8', so we saw this as being unnecessary. It can only go to the right-of-way and not on the sidewalk.

Councillor Walker said he felt we should change the wording because he read it to be right up to the sidewalk.

Mr. Creaser indicated there is other language in the by-law. We have the enforcement capability to push that sign back.

Councillor Wile referenced Bayers Lake where the sidewalk is only on one side of the street.

Mr. Faulkner clarified they cannot place the sign in a right-of-way. You can go to the edge of your property but not beyond.

Mr. Norman Wiechert advised he owned a property on Sackville Drive. One of the things they have a problem with is by-law enforcement. We do not have enough enforcement in the City. The lights on the sign on their property work. When they rent a sign for multiple tenants, they want to change it more often, and the sign company is telling them they cannot do that. Glow Signs are telling them they can put up a sign for one month - two weeks for one tenant and two weeks for another tenant. They wanted to put a different tenant on each side of the sign. They want to advertise at the same time and maybe change the wording once a week.

Mr. Faulkner noted it must be a contractual provision they have. If the license is issued to him for his location, he can divide the message up with the tenants for as long as he saw fit. The proposed amendment is to eliminate the 60 days and go with a monthly fee schedule.

Mr. Wiechert questioned if they are trying to encourage them to go to planter box signs.

Mr. Faulker responded it is somewhere between a permanent sign and a mobile sign.

Mr. Wiechert encouraged that they find another way to enforce the by-law. One company they hired put up a sign that was falling part, so they decided not to deal with them the next month.

Mr. Creaser suggested they might consider design standards.

Mr. Wiechert commented he was seeing many sandwich boards and temporary signs. He could think of one property where there are 7 signs on a property with 50' of frontage.

Mr. Norman Duncan, resident of Kearney Lake Road, referenced proposed amendment #12 - elimination of setback distance from sidewalk for mobile signs. His problem with mobile signs is they are at eye level with traffic. They may still be obstructing the view for cars. He questioned if there is provision for enforcement to move them back out of the line of sight.

Mr. Creaser advised there is a provision to deal with that in the by-law. If he felt there is a safety issue with a particular sign, he should let them know and we will go out and look at it.

Councillor Walker indicated when we first enacted the By-law, he thought we would hire two enforcement officers to pro-actively deal with this everyday.

Mr. Faulkner confirmed two people were hired full time to work on the sign by-law. There are two community standards officers doing all of HRM. There has been some pro-active work done but it is mostly complaint driven. When it comes to enforcement, if an owner does not comply it does generate a lot of staff time to get to the point of resolution.

Councillor Walker suggested we should be asking for two more staff during the budget discussions. If we are not going to be doing it correctly, then we are defeating the purpose. The business people know they are breaking the law. We should not have to rely on people complaining to see if the companies are abiding by the law. We should be pro-active. Mr. Lane suggested that discussion might be more appropriate at a Committee of the Whole meeting.

Councillor Walker indicated during elections, people often phoned him to say they had rules to follow and people running for election for the different levels of government can break those same rules. Election signs should fall under rigid guidelines.

Mr. Audas advised we have been told by Legal that we cannot regulate election signs, but we will follow up with them again.

Mr. Faulkner indicated those signs fall under the Elections Act which falls outside our authority, but we will confirm that. The safety issue is something we do not turn our back on.

Councillor Hum noted we are allowing signs to be posted on HRM property by third parties, and questioned how that happens. There is a sign posted on the Common and there was an agency sign on the North Common.

Mr. Creaser indicated it is probably a special events sign advertising a community non-profit event.

Mr. Faulker advised that Tom Crouse with Real Property administers that for HRM. It should have been for a non-profit organization as they do not permit commercial signage.

Councillor Watts noted there is a Glow Promotions Sign north of Connaught Avenue and Bayers Road which has been advertising Tai Chi for the past two years. That is a private business on church lands so there must have been some arrangement made.

Mr. Faulkner indicated a church and community hall event is permitted but he did not know if there is a permit for a sign. That is too specific for this meeting and he encouraged the councillor to send him an email on it.

Councillor Watts referenced proposed amendment #18 - all sign application requirements to include the written permission of the property owner or approved management company for third party business site applications only. She questioned why we would do that as it allows for third party advertising.

Mr. Creaser advised the intent is to recognize these areas for a separate lot. It functions as one business sign so we have added a definition to include that. An example would be Zellers in Bayers Lake where a business connected to them wants to put a sign on their land. It is not intended to allow the sign to be kilometers down the road on a business not associated with that site.

Mr. Faulkner indicated a business site is a large scale multiple building development where they have one access but four different buildings with a strip mall sharing the parking lot. They can only do it on their business site and cannot go next door.

Councillor Watts questioned whether sandwich board signs were included.

Mr. Creaser responded they are currently regulated under this by-law but we are recommending that TPW take it over. We will still regulate sandwich boards on private property.

Mr. Lane advised staff will be discussing this with the Advisory Committee for Persons with Disabilities. Some of the signs are very creative but, can represent challenges for mobility and physically challenged people.

Councillor Hum referenced proposed amendment #4 - short term event signage increased from 2 to 7 days duration. She asked for confirmation they were talking about short term, so instead of two days, it would be a maximum of 7 days. Mr. Creaser concurred.

Councillor Hum indicated she understood people were not allowed to put temporary signs on HRM property.

Mr. Faulkner advised Real Property staff have the authority to deal with that but, it has to be for a community event. If Real Property approves it as the property owner, we are in a position to allow it. They have to fill out an application form but there is no fee. Quite a few of these type of applications are processed.

Councillor Walker referenced proposed amendment #1 on the circulated summary sheet - deletion of any reference to signage within a right-of-way; responsibility to be transferred to TPW. He was not convinced that recommendation was a plus. We now have an avenue to go through to have complaints addressed.

Adjournment

The meeting adjourned at 8:15 p.m.

Attachment D
Advisory Committee for Persons with Disabilities
November 16, 2009 Minutes Excerpt

PRESENT: Ms. Helen McFadyen, Chair
Mr. Tom Boyd, Vice Chair
Mr. Gary Russell
Councillor Mary Wile
Ms. Theresa Horwill

REGRETS: Councillor Jerry Blumenthal
Ms. Joanne Coffey
Ms. Mary Newcombe

ABSENT: Ms. Johanne Caron

STAFF: Mr. Laughlin Rutt, HRM Diversity Consultant
Mr. Phil Townsend, Director, Infrastructure and Asset Management
Mr. David Lane, Senior Planner, Planning Services
Ms. Krista Tidgwell, Legislative Assistant

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6.3.1 Proposed Amendments to the Temporary Sign Bylaw (S-800) - David Lane, Senior Planner

- A document entitled, Temporary Sign Bylaw (S-800) Amendments Proposed Changes Summary, dated October 29, 2009 was before the Committee.
- A power point presentation was submitted to the Committee.
- The following information was circulated to the Committee:
 - A table titled Temporary Signs that Require a License; and
 - A Schedule A of the Service and Zone Standards.

Mr. David Lane, Senior Planner, introduced Mr. Ken Reashor, Manager, Traffic & Right of Way Services/Traffic Authority and Mr. Trevor Creaser, Development Officer to the Committee and provided an overview of the proposed amendments to the temporary Sign Bylaw (S-800). He advised the purpose was to engage in general discussion and receive feedback from the Committee on the amendments.

Due to lack of quorum, the Committee commenced with discussion only. The following questions, concerns and suggestions were raised:

- A need for stricter bylaw enforcement - if the law can not be enforced, then what is its purpose? What can be done to create more enforcement?
- An option could be to hire students to do bylaw enforcement.
- Sidewalk repair signs indicating pedestrians are to move to the other side of the street can be harmful for those that are visually impaired.
- Restaurant tables set up in the summer months decrease the width of the sidewalk. Some do not meet the 7 foot requirement.
- Sidewalk sales create barriers. Are store owners required to have a license? How long are licenses good for?
- Should be reporting individuals that do not have a license for their signs.
- Road signs are being placed on the corners of sidewalks and on ramps and should be removed.
- Is there any type of control over construction zones putting up fences on sidewalks?
- There should be larger fines for individuals that block sidewalk access to pedestrians and persons with disabilities. Blocking the sidewalk creates limits for persons with disabilities in relation to their independence and mobility.
- Is there a faster way to have the signs that are blocking the sidewalks removed other than filing a complaint?
- Signs are not always in front of the facility that is advertising.
- Signs next to crowded bus stops limit the access for persons with disabilities even more.
- Certain buildings in Halifax have steps that decrease the 7 foot sidewalk minimum.
- Real estate signs are often placed beside curb cuts and at corners of sidewalks.
- Lotto signs often tip over in the wind, creating a hazard.
- How will a visually impaired person obtain bus stop closure information, if only a sign is posted at that particular bus stop?
- Mailboxes are often beside crosswalks and small children might not be seen by motorists.
- Some sandwich boards exceed the 4 feet height limit.
- Expiration stickers should be placed on the permits so people know how long the sign will be there.
- Multiple signs in one location.
- Decrease the amount of mobile signs.

In response to concerns raised by the Committee, Mr. Creaser advised that bylaw enforcement of public safety issues is a priority. He noted that staff are working on addressing this issue. He advised that none of the sandwich boards are currently licensed, however, if the city were to receive complaints in this regard, this could be changed.

Councillor Wile advised that the table provided to the Committee showed that the sandwich boards are required to be licensed. Trevor Creaser, Development Officer, confirmed that there is a fee to license the sandwich boards, however Regional Council

has asked staff to step back from the licencing requirements.

David Lane asked the Committee that if the existing requirement of 7 feet (2.1 metres) clear on all sidewalks was deemed adequate space for the mobility challenged. Staff noted that 7 feet is standard and served the purpose to have two wheelchairs pass each other on the sidewalk. It was also noted that permits were not supposed to be issued to an individual or business if it impedes with the 7 feet. Mr. Lane advised that real estate signs in the right of way are not presently permitted nor are they proposed in the Bylaw amendments. Real estate signs on private property are regulated in the respective Land Use By-laws.

Staff advised they would look into a temporary steel sign that was put up for construction at the corner of Cogswell Street and Brunswick Street in Halifax. Mr. Ken Reashor, Manager/Traffic Authority, Traffic & Right of Way, advised that the permits had been issued to Heritage Gas.

Mr. Lane advised that the a common separation distance for mobile signs and planter boxes is being proposed at 125 feet in comparison to the current separation distances of 100 and 150 feet respectively.

**Attachment E
Written Submission
Downtown Halifax Business Commission**

Message

Page 1 of 2

David Lane (Community Development) - Temp. Sign By-law

From: "Paul MacKinnon" <paul@downtownhalifax.ca>
To: "David Lane (Community Development)" <laneda@halifax.ca>
Date: 1/22/2010 12:04 PM
Subject: Temp. Sign By-law

David K. Lane, MCIP AICP LPP
Senior Planner
Regional & Community Planning
Community Development
Halifax Regional Municipality
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

David,

Thank you for hosting the January 7 open house, regarding the bylaw governing sandwich boards. I would like to take this opportunity to offer feedback, on behalf of downtown businesses impacted by this change.

Prior to 2006, sandwich boards were illegal. For the most part, they were tacitly allowed, through lack of enforcement. Generally (with one notable exception where they were all temporarily confiscated), they were enforced on a complaint-only basis. When businesses approached the business commission about sandwich boards, our policy was to advise of the fact that they were illegal. Our advice was that if businesses chose to use them, they use a common sense approach; ie, not unduly block the sidewalk, make them an appropriate size, not put them in front of another business unless they talked to that business, etc.

Following the formation of the Capital District Task Force in 2000, discussions began about implementing a bylaw by which sandwich boards could be allowed, and regulated. The BIDs supported this concept, as we saw it as a way of allowing this very necessary means of advertising. I know you've heard loud and clear from businesses on how important they are.

A bylaw was passed in 2006, and enforcement began in 2007. With it came unintended consequences. Licensing was very restrictive, in terms of size, location and clearance parameters. The Freak Lunchbox signs and others, unable to be licensed, became illegal and were enforced as such, despite being universally seen as a wonderful addition to the Barrington streetscape. Council then instructed staff to go back to a system of enforcement through complaint.

Now we are in a situation, where licensing/enforcement is to begin again. A common sense approach does not seem to be an option (for instance, if a sign only allows for 2.0 metres clearance, rather than 2.1 metres, it would not be licensed. If a sign is 2.5"x3.5" it would not be licensed. Signs that are as much beautification as advertising would not be allowed if they violate the stringent provisions of the bylaw).

Message

Page 2 of 2

I wonder if the bylaw was not an over-reaction to a non-existent problem. The DHBC fields many complaints by customers and pedestrians, as does HRM. In my 12 years with a business commission, we have seldom received complaints about sandwich boards. Our policy would be to advise of the 490-4000 number, where the complaint could be officially registered, and presumably acted upon. As sandwich boards, by their nature, are very mobile, it is an easy matter to fix the problem.

Therefore, Downtown Halifax Business Commission recommends the following actions:

- the licensing provision be removed from the bylaw
- sandwich boards continue to be enforced on a complaint-driven basis, with appropriate warnings/fines given as appropriate

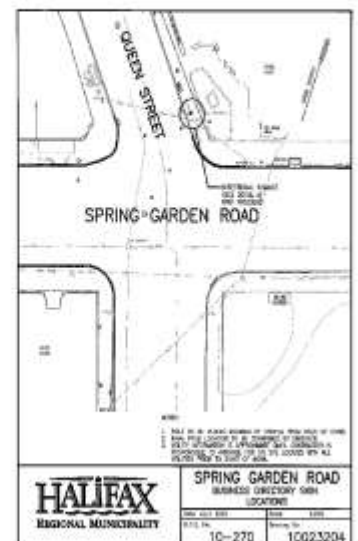
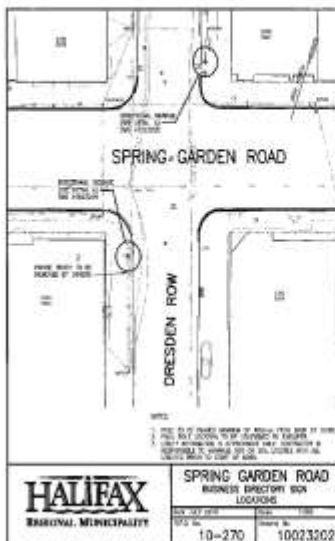
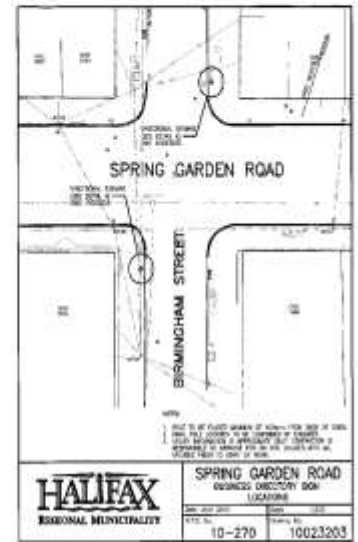
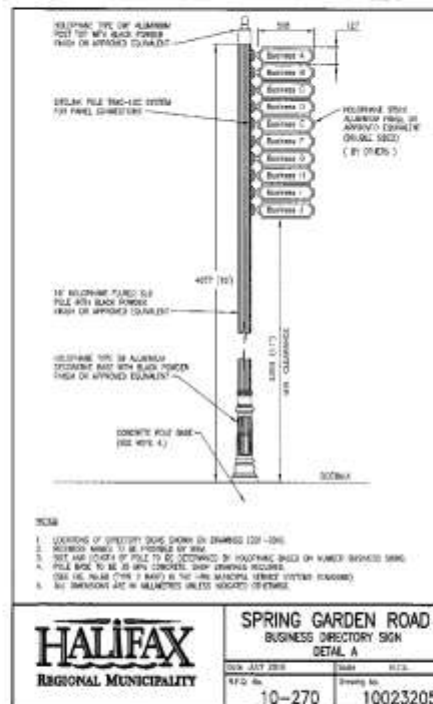
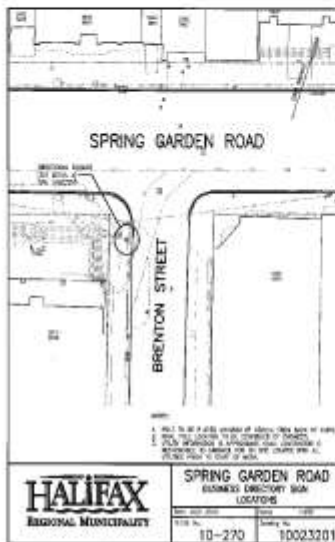
I believe that this approach would allow the sandwich boards to continue to be utilized by downtown businesses, who exist in an urban setting and have unique challenges, which HRM should work to accommodate, while at the same time protecting the public interest.

Sincerely,

Paul MacKinnon
Executive Director
Downtown Halifax Business Commission

**Attachment F
Prototype Business Directory Sign Pole and Proposed Locations**

Proposed Business Directory Signage Locations Spring Garden Area



Business Directory Signage

- Signage intended for pedestrians, not cars
- Inform the reader of businesses located on the side streets
- Proposed locations have been verified (free of under/above ground wiring, large vehicle turning etc.)
- Sign blades to be oriented in the direction of the businesses as read by pedestrians on Spring Garden Road
- Coverage of Business Directory Sign Pole is the entire street; not just the side of the street on which it is located
- Spring Garden Area Business Improvement District responsible for administration/maintenance of the sign information

Attachment G

Downtown Halifax Secondary Planning Strategy Excerpt

6.6 PEDESTRIAN AMENITY & COMFORT

How the public realm is designed, programmed and interfaces with surrounding spaces and land uses is crucial to its capacity to attract and support a broad spectrum of users and to ensure that there are places where people feel comfortable and safe. HRM has adopted streetscape guidelines, plans and a wayfinding program for the Capital District that reinforce the principles of safety, universal design, public amenity and accessibility for its commercial corridors. The Design Manual contained in the Land Use By-law and the Transportation & Streetscape Design Functional Plan will provide further guidance on how these principles may be tailored through the downtown Halifax context in terms of guiding further investment whether by HRM, or through private sector contributions.

Policy 64 HRM shall consider using Crime Prevention Through Environmental Design Strategies in accordance with the Transportation & Streetscape Design Functional Plan to enhance safety in the design of public spaces in downtown Halifax.

Policy 65 HRM shall consider universal design principles in the design of public spaces in downtown Halifax to promote accessibility for all users in accordance with HRM's Capital District Streetscape Guidelines¹ and the Transportation & Streetscape Design Functional Plan.

Policy 66 HRM shall consider special design treatments for identifying pedestrian corridors in downtown Halifax in accordance with the Transportation & Streetscape Design Functional Plan.

Policy 67 HRM may implement a wayfinding signage system for downtown Halifax as recommended in the Capital District Urban Design Project Visual Identity and Wayfinding Signage Guidelines.²

Policy 68 HRM shall incorporate into the Transportation & Streetscape Design Functional Plan a co-ordinated system of site furnishings and amenities throughout downtown Halifax as directed by the Capital District Streetscape Guidelines.³

¹ *Gordon Ratcliffe Landscape Architects, et al. HRM Capital District Urban Design Project, Vol. 1: Streetscape Guidelines and Plans. 2004.*

² *Gordon Ratcliffe Landscape Architects, et al. HRM Capital District Urban Design Project, Vol. 2: Visual Identity and Wayfinding Signage Guidelines. 2004.*

³ *Ibid.*