


TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: December 22, 2014

SUBJECT: Proposed By-Law A-600 Respecting Advertisements on Provincial Highways

ORIGIN

- Amendments to the Public Highways Act that came into effect May 19, 2011, enable municipalities to adopt a by-law regulating signs on non-100 series provincially-owned highways.
- Regional Council motion October 25, 2011, Item 13.4.i., to request a staff report outlining a workable package of enabling measures for HRM management of signage on non-100 series highways.
- Regional Council motion January 24, 2012, Item 10.1.1., to direct staff to develop a by-law to regulate advertising signs on non-100 series provincially owned highways using highway 333 as a pilot project; and develop a signage management program for Council consideration.
- Regional Council motion March 19, 2013, Item 11.5.1., to approve "Option 1: Uniform Directional Signs" for managing advertising signage on Provincial Highway 333.

LEGISLATIVE AUTHORITY

- *Community Control of Non-controlled access Highway Advertising Amendment (2011) Act*, Chapter 371 of the Revised Statutes of Nova Scotia 1989, the Public highways Act: Section 49A(2), the Council of a Municipality may make a by-law prohibiting or regulating the erecting, maintaining, pasting, painting, or exposing if advertisements upon any part of a (Provincial secondary) highway located within the Municipality and designated in the by-law.
- HRM Charter, S.N.S. 2008, c.39, clause 186 (1), (Subject to Part VIII, in this Act), the power to (a) license, includes the power to regulate; (b) regulate, includes the power to license; and (c) regulate includes the power to prohibit.
- HRM Charter, S.N.S. 2008, c. 39, clause 188 (1) (c) Council may make by-laws, for municipal purposes, respecting persons, activities and things in, on or near a public place or place that is open to the public.
- By-law A-102, subsection 4(1), the Appeals Committee will hear appeals that are directed to the Appeals Committee by the Charter, a by-law or Council policy.
- By-law A-102, subsection 4(2), the Appeals Committee will exercise the authority and discretion conferred or delegated to the Appeals Committee by the Charter, a by-law or Council policy.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Adopt By-law A-600, the *Advertising on Provincial Highways By-law*, as set out in Attachment A;
2. Direct Staff to forward the adopted By-law to the Minister of Transportation and Infrastructural Renewal for approval;
3. Adopt the amendments to Administrative Order 15, License, Permits and Processing Fees Administrative Order, as set out in Attachment B.

BACKGROUND

Sign clutter on Provincial Secondary Highways within Halifax Regional Municipality has been a long-standing issue. One solution to the sign clutter is to implement directional signage programs and prohibit other signs from being placed within the highway boundary. Past initiatives by Provincial staff to implement uniform directional sign programs have not been successful. Changes to the Provincial *Public Highways Act* now allow municipalities to adopt by-laws to regulate this signage on non-controlled access highways within the municipality.

Provincial highways located within the Municipality are generally those roads within Halifax County, but outside the “Core Area” as shown in Attachment C. These highways will be generally referred to as Provincial Secondary Highways or “PSHs” throughout the remainder of this report. One notable exception would be all Controlled Access 100 Series Highways; which are under Provincial jurisdiction inside and outside the core area.

On January 24, 2012, Regional Council directed staff to develop a by-law and a program to regulate advertising signage on PSHs to address the proliferation of signage (see Attachment D). Staff received further direction from Regional Council on March 9, 2013 to proceed with a Uniform Directional Sign program (see Attachment E).

DISCUSSION

The objective of the program is two-fold; to address the sign clutter along the gateways to scenic PSHs in the pilot area, and to introduce a system of signs in the pilot area that will effectively guide residents and tourists to businesses located along the routes. The standardized signs will allow business owners to effectively and efficiently communicate with motorists while providing a polished look and feel to the gateways of some of our most scenic routes.

The pilot area proposed in the attached draft By-law (see Schedule 1, Attachment A) includes the entire length of NS Highway 333, and that section of NS Highway 3 within 500 meters of the intersection of NS Highway 333 outside the Core Area (at Upper Tantallon). This reflects the areas of concern noted by Council as well as members of the community. Previous reports included sign proliferation information within the proposed pilot area.

As shown in Figure 1, any business located on a PSH included in the pilot and any business located on another highway that intersects the PSH included in the pilot will be eligible to participate in the program. The business must physically be located within the area as the program is designed to direct motorists to the business.

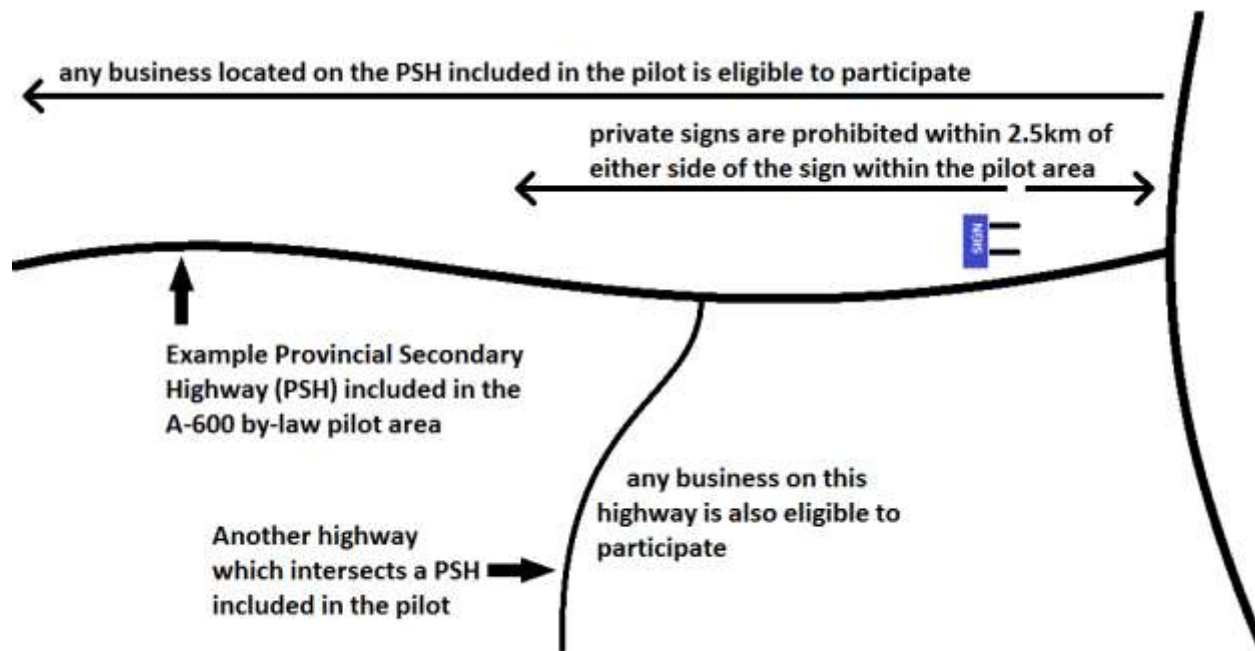


Figure 1 - Visualization of proposed by-law application, eligibility, and sign prohibitions

Each sign structure will have at least two posts. The Municipality would identify the sign locations and obtain an NSTIR Soils Breaking Permit to install the post structures. The locations would comply with all NSTIR spacing requirements and intersection setback standards. Each structure will accommodate a maximum of four signs. Should there be no capacity for an additional sign on a structure; the Municipality will select a new location, obtain an NSTIR Soils Breaking Permit, and install a new structure.

As businesses apply for sign licenses, the Municipality will manufacture the signs and install them on the posts. Participating businesses will get one sign per license in the pilot area. The sign will be approximately 610mm (2ft) by 1830mm (6ft), and will feature a blue reflective backing with white reflective lettering. The message will contain the name of the participating business, a direction arrow, and a distance. A sample of a proposed sign is shown in Attachment F.

Once the posts are installed, private signs will be prohibited within 2.5 kilometers of the Municipality sign. The owners of existing signs within 2.5 kilometers of the Municipality sign will be notified to remove their sign. If the sign is not removed, as per the provisions of the by-law the Municipality may cause it to be removed. The prohibition applies to the right of way of a highway in the pilot only. Private signs on private property are not subject to this by-law.

During the course of the implementation of the By-law, Staff will monitor the prohibited areas as required to ensure compliance is achieved. After successful implementation of the sign prohibitions in the prescribed zones, enforcement will follow a reactive model based on requests from the 311 Citizen Contact Centre.

In accordance with the amendments to the *Public Highways Act* which enable municipalities to adopt a by-law regulating signs on non-100 series provincially-owned highways, this by-law is subject to the review and approval of the Minister of Nova Scotia Transportation and Infrastructure Renewal (NSTIR). The Minister may approve all or part of the by-law, attach conditions to the approval of the by-law; approve the by-law with amendments; or revoke or vary the approval or condition. Sign structures proposed on provincial right-of ways under this by-law will be subject to receiving necessary permissions from the Province of Nova Scotia.

FINANCIAL IMPLICATIONS

Previous reports to Council had indicated program startup costs of approximately \$100,000 (see Attachment E). The majority of the costs were associated with Information Technology changes required to accommodate the new license applications. These cost estimates have decreased due to other recent licensing initiatives. Other costs associated with engineering and designs have decreased as standard sign bases can be applied to this project.

The sign structures and signs will be maintained by the Municipality. The fabrication, installation, and maintenance costs are estimated to be approximately \$2600 per sign structure including the four business signs. The projected life cycle of the structure and signs is 10 years. The fee structure proposed in Administrative Order 15 (see Attachment B) will recuperate this cost through the prescribed application and renewal fees.

Enforcement costs are now expected to be minimal due to the well-defined pilot area immediately adjacent to the existing Core Area. Should Council choose to expand the project scope in the future, there will be cost implications associated with installation, maintenance, and enforcement.

COMMUNITY ENGAGEMENT

Community Engagement since March 2013 has been limited to Provincial staff. These sessions included a review of the draft by-law. Prior to March 2013, there was a significant amount of community engagement as noted in the two reports attached. An advisory committee was formed in April 2012, and there was a public meeting held in July 2012. Details from the public meeting are found at the end of Attachment E.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Attachment A – Proposed By-Law A-600
Attachment B – Proposed Amendments to Administrative Order 15
Attachment C – “Core Area” map
Attachment D – Regional Council Item 10.1.1. January 24, 2012
Attachment E – Regional Council Item 11.5.1. March 19, 2013
Attachment F – Typical Sign Layout
Attachment G – Visual Representation of Pilot Area

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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Attachment A
(Proposed By-law)

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER A-600
RESPECTING ADVERTISEMENTS ON PROVINCIAL HIGHWAYS

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 49A of the *Public Highways Act*, 1989 R.S.N.S. c. 371, as amended, as follows:

Whereas the purpose of this By-law is to provide a level of management of advertising signage along certain provincial highways to preserve and enhance the beauty of the Municipality, provide a useful and accurate way of providing information to travellers and to ensure the placement and installation of advertisements are carried out in a safe and fair manner.

Short Title

1. This By-law shall be known as By-law A-600, the *Advertising on Provincial Highways By-law*.

Interpretation

2. In this By-law,

(a) “Administrative Order 15” means the *License, Permits and Processing Fees Administrative Order*;

(b) “advertisement” includes:

(i) any sign, placard, boarding, billboard or any other form or means or device whatsoever of public notice or announcement that is displayed; or

(ii) any sign, placard, boarding or billboard or other device or medium intended or suitable or adapted as a form or means of public notice or announcement whether or not the same is at the time actually displayed for such purpose,

(c) “advertising structure” means an erection or structure that is:

(i) constructed by, or on behalf of, the Municipality, to display advertisements;
and

(ii) is located on an identified highway pursuant to section 3;

(d) “Applicant” means the person who applies for a license pursuant to this By-law;

(e) “Committee” means the Appeals Committee established pursuant to By-law A-100, the *Appeals Committee By-law*;

(f) “days” means calendar days;

- (g) “display” means to erect, maintain, paste, paint or expose;
- (h) “election sign ” means:
 - (i) an advertisement that promotes a candidate for an election; or
 - (ii) an advertisement that promotes an approval or disapproval in respect of the question being posed in referendum or plebiscite;
- (i) “Engineer” means the Engineer of the Municipality and includes a person acting under the supervision and direction of the Engineer;
- (j) “highway” means a highway vested in Her Majesty in Right of the Province but excludes a highway or that portion of a highway that is designated as a controlled access highway pursuant to section 21 of the *Public Highways Act*;
- (k) “identified highway” means a highway listed in Schedule 1;
- (l) “license” means a license to display an advertisement issued pursuant to this By-law and includes a renewal of such license;
- (m) “License Administrator” means the person designated by the Chief Administrative Officer, and includes a person acting under the supervision and direction of the License Administrator;
- (n) “Municipality” means the Halifax Regional Municipality;
- (o) “person” includes a business, charity, cooperative, corporation, organization, partnership, and society;
- (p) “personal message “ means an advertisement used for the purpose of expressing a personal opinion that does not identify, describe, promote, or direct a person to a particular person, land use or sale; and
- (q) “subject” includes an event, festival, monument and person.

Application of the By-law

3. This By-law shall apply

- (a) to an identified highway or a portion of an identified highway;
- (b) within two and one-half (2.5) kilometres from an advertising structure, measured along the paved portion of an identified highway; and
- (c) along the paved portion of Route 3 for a distance of five hundred (500) metres from the intersection of Highway 333 and Route 3 (St. Margaret’s Bay Road).

4. This By-law shall not apply to

- (a) a personal message; or
- (b) an election sign during an election or plebiscite in the area in which that election sign is located if the election sign complies with the laws governing the election or plebiscite.

Prohibition

5. No person shall display, permit or cause to be displayed an advertisement on a highway unless the advertisement is allowed under this By-law.

6. No person shall display, permit or cause to be displayed an advertisement on an identified highway unless:

- (a) the person holds a valid license granted by the Municipality;
- (b) the advertisement is displayed on an advertising structure that is located on the highway;
- (c) the advertisement is created or constructed by:
 - (i) the Municipality; or
 - (ii) a person under contract with the Municipality for the creation or construction;
- (d) the advertisement is displayed by:
 - (i) the Municipality; or
 - (ii) a person under contract with the Municipality to display an advertisement; and
- (e) the advertisement is located on a portion of an identified highway.

Application for License or Renewal of a License

7. (1) An application for a license shall include:

- (a) the name and address of the Applicant and of the person which will be on the advertisement;
- (b) the electronic mail address or facsimile number of the Applicant and the name of the person which will be on the advertisement;
- (c) the preferred advertising structure along an identified highway where the advertisement will be displayed on an existing advertising structure;

(d) the distance between the location of the subject of the advertisement and the preferred advertising structure;

(e) the prescribed fee set out in Administrative Order 15; and

(f) any other information that, in the opinion of License Administrator, is necessary for the public to locate the person which will be on the advertisement; and

(2) An application for a renewal of a license shall include:

(a) all the information required in subsection 1 of this section; and

(b) the license number.

Granting or Refusal of License or Renewal of a License

8. The License Administrator is authorized and empowered to:

(a) grant a license or a renewal of a license under this By-law; and

(b) refuse to grant a license or a renewal of a license under this By-law.

9. (1) If a space on an advertising structure is unavailable, the License Administrator shall refuse to grant the license.

(2) If space becomes available on an advertising structure within thirty (30) days of the refusal pursuant to subsection (1),

(a) the License Administrator may grant the license to the Applicant provided all the sections of this By-law are satisfied; and

(b) an additional application fee is not required.

Appeals

10. When an application for a license or a renewal of a license has been refused, the Applicant for the license or the renewal of a license may, within seven (7) days of receiving the refusal, appeal the decision of the License Administrator to the Committee.

11. An appeal shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.

12. After hearing an appeal, the Committee may:

(a) deny the appeal and affirm the decision of the License Administrator; or

(b) allow the appeal, reverse the decision of the License Administrator and grant the license or the renewal of the license.

Requirements of License

13. Every license shall be numbered, dated with the date the license is granted and the expiry date of the license.
14. Every renewal of a license shall be dated with the date the renewal of the license is granted and the expiry date of the renewed license.
15. Every license or renewal of a license shall expire one (1) year from the date of the granting of the license or the renewal of the license, unless a further renewal of the license has been granted by the Municipality.

Advertising Structures

16. An advertising structure shall be:
- (a) located at least one hundred (100) metres apart located from another advertising structure; or
 - (b) located at least two hundred (200) metres apart from any intersection approach .

Creating and Locating Advertisement

17. After the granting of a license, the Municipality, or the person under contract with the Municipality, shall:
- (a) create or construct the advertisement which shall include the name of the person who is advertising on the advertisement and the approximate distance of that person from the advertising structure where the advertisement will be located; and
 - (b) display the advertisement on an advertising structure.
18. During the term of a valid license, if the advertisement is in disrepair, the Municipality, or the person under contract with the Municipality, may:
- (a) have a new advertisement created or constructed;
 - (b) remove and dispose of the advertisement in disrepair;
 - (c) display the new advertisement on an advertising structure; or
 - (d) any combination of clauses (a), (b) or (c) of this section.

Location of Advertising Structure and Advertisement

19. The location of an advertising structure on an identified highway, the location of an advertisement on an advertising structure and whether a space is available on an advertising structure shall be determined solely by the Engineer.

20. The Municipality may, at any time, re-locate an advertisement on an advertising structure to

- (a) another advertising structure located on the same identified highway; or
- (b) another location on the same advertising structure.

Removal of Advertisement

21. The license holder shall notify the Municipality within seven (7) days of the subject of the advertisement closing, occurring, or relocating to a different address.

22. (1) The Municipality may remove an advertisement the day after the subject of the advertisement has closed, occurred, or relocated to a different address.

(2) The Applicant or the license holder shall not be reimbursed for the remaining term of the removed license.

23. An advertisement that is not displayed pursuant to this By-law may be removed and destroyed or otherwise disposed of by the Municipality if:

- (a) a new advertising structure is erected, notice in a newspaper is provided once a week for two consecutive weeks indicating the identified highway and date when the advertisements will be removed and destroyed; or
- (b) in all other instances, after fourteen (14) days' notice to the person that is the subject of the advertisement.

Removal of Advertisement

24. The Municipality may, without notice, remove any advertisement on an advertising structure if the Province of Nova Scotia revokes or refuses to grant permission for the construction or continued placement of an advertising structure in or on an identified highway.

Service

25. The day the person receives a refusal or a notice under this By-law shall not be counted in determining the period of days.

26. Any notice pursuant to this By-law may be served:

- (a) personally;
- (b) by mailing it to the person at the latest address shown on the application for the license or the assessment rolls;
- (c) by electronic mail;
- (d) by facsimile; or

(e) if the person to be served cannot be identified for the purposes of clauses (a), (b), (c) and (d) of this section, by posting the notice near the advertisement.

27. A notice is deemed to have been served on the third day after it was sent.

Transfer

28. A license granted under this By-law is non-transferable.

Maps and Schedules

29. Any maps or Schedules attached hereto shall form part of this By-law.

Defacing Advertisement

30. No person shall remove, deface, damage or tamper with an advertisement or part of an advertisement.

31. No person shall remove, deface, damage or tamper with an advertisement structure except the Municipality or a person acting on behalf of the Municipality.

Offences

32. A person who contravenes any provision of this By-law shall be guilty of an offence.

33. A person who contravenes any provision of this By-law is liable on summary conviction to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), in default of payment, to imprisonment for not more than ten days.

Done and passed in Council this day of , 2015.

Mayor

Municipal Clerk

Schedule 1
Identified Highways

This By-law applies to the following Highway

1. Highway 333, Tantallon Nova Scotia.
2. Portion of Route 3 for a distance of five hundred (500) meters from the intersection of Highway 333 and Route 3.

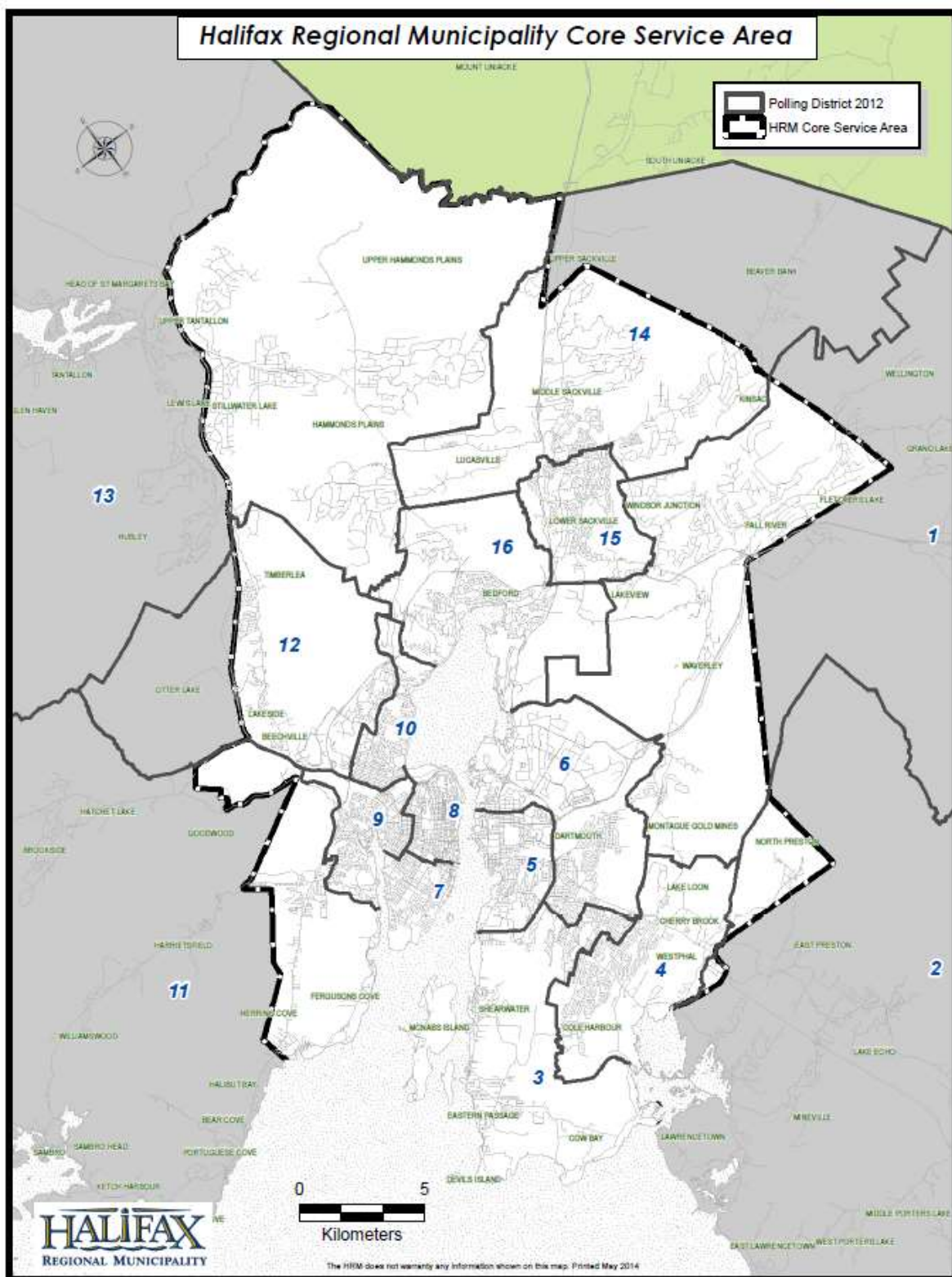
ATTACHMENT B

HALIFAX REGIONAL MUNICIPALITY ADMINISTRATIVE ORDER NUMBER 15 RESPECTING LICENSE, PERMIT AND PROCESSING FEES

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, is further amended as follows:

1. Section 22 is added after section 21 as follows:

| By-law | Short Title | Section | Fee |
|--------|--|--------------------------------------|-------|
| A-600 | <i>Advertising on Provincial Highways By-law</i> | | |
| | | 9(1) Application for initial license | \$200 |
| | | 9(2) Application for license renewal | \$50 |



Item No. 10.1.1
Halifax Regional Council
January 24, 2012

TO: Mayor Kelly and Members of Halifax Regional Council
Original Signed

SUBMITTED BY: Richard Butts, Chief Administrative Officer

Original Signed
Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 15th 2011

SUBJECT: Signage Management on Non-100 Series Provincial Highways

ORIGIN

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

RECOMMENDATION

It is recommended that Halifax Regional Council:

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

BACKGROUND

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

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

DISCUSSION

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

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

Provincial Role:

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

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

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

Municipal Role:

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

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

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

Sign Program Considerations:

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

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

¹ Nova Scotia Tourist Attraction Signing Policy

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

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

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

Community Partnership and Engagement:

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

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

Program Development:

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

Core operating principles:

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

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

The following phasing approach and schedule is recommended:

PHASE I:

By-Law and Program Development

January 03 – April 30

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

PHASE II:

Program Implementation:

May 01 – June 30

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

July 01 – September 30

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

PHASE III:

Program Review

October 01 – December 31

- Pilot program evaluation

BUDGET IMPLICATIONS

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

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

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

ALTERNATIVES

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

ATTACHMENTS

ATTACHMENT 1: Highway 333 Signage Pilot Project Locations

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

ATTACHMENT 3: Signage Photos – Highway 333 & Highway 3

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

Report Prepared by: Holly Richardson Coordinator Real Property Policy, Planning & Infrastructure 490-6889

Original Signed

Report Approved by:

Mary Ellen Donovan, Director, Legal 490-4226

Original Signed

Report Approved by:

Ken Reashor, Director, TPW 490-4855

Original Signed

Report Approved by:

Peter Bigelow Manager Real Property Planning, Planning & Infrastructure 490-6047

Original Signed

Financial Approval by:

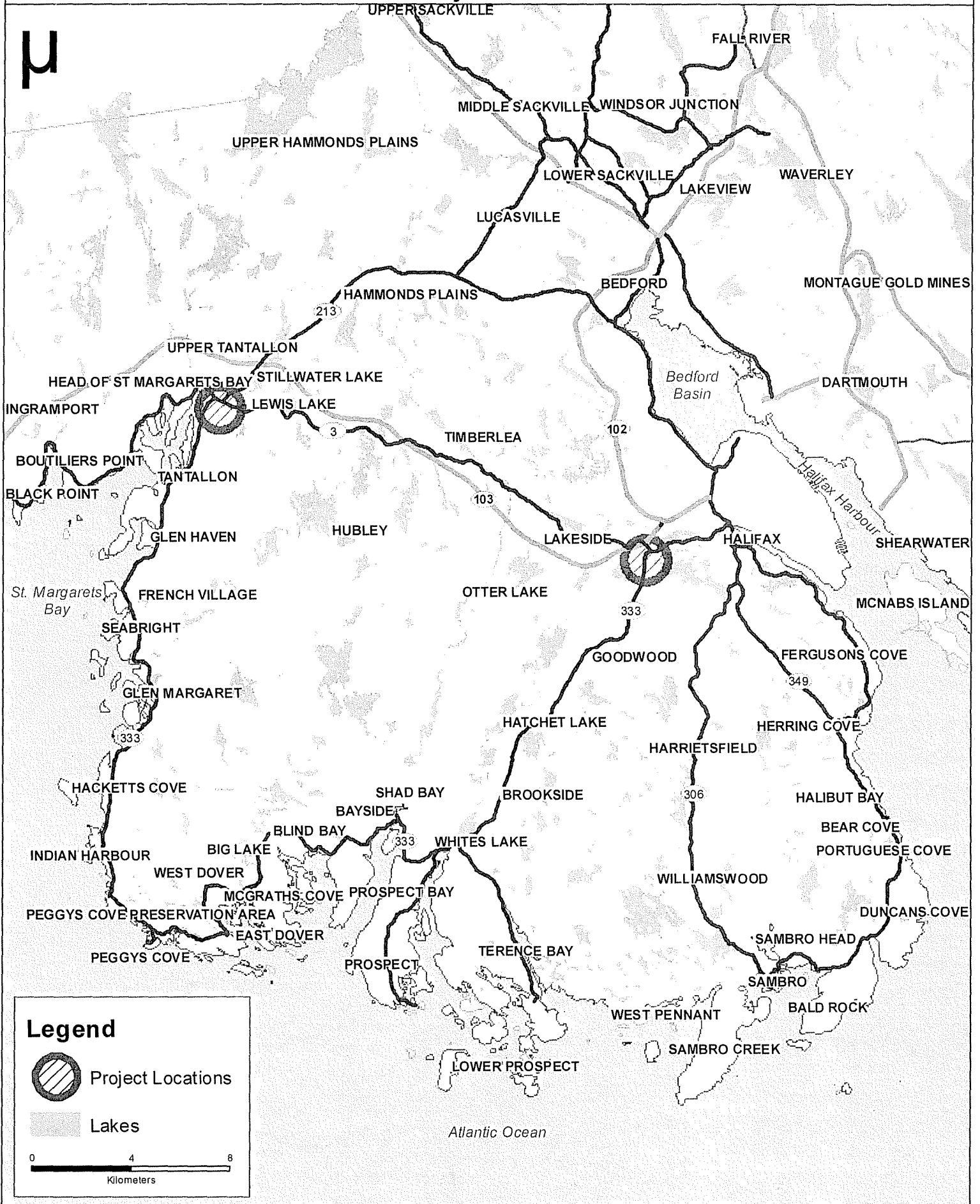
James Cooke, CGA, Director of Finance/CFO, 490-6308

Original Signed

Report Approved by:

Phillip Townsend Director Planning & Infrastructure 490-7166

Highway 333 Signage Pilot Project Locations



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

BILL NO. 51

Government Bill

3rd Session, 61st General Assembly

Nova Scotia

60 Elizabeth II, 2011

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

CHAPTER 3

ACTS OF 2011

AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE

MAY 19, 2011

The Honourable Bill Estabrooks, M.B.

Minister of Transportation and Infrastructure Renewal

Halifax, Nova Scotia

Printed by Authority of the Speaker of the House of Assembly

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

Be it enacted by the Governor and Assembly as follows:

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

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

49A (1) In this Section,

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

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

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

municipality and designated in the by-law.

(3) The Minister may

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

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

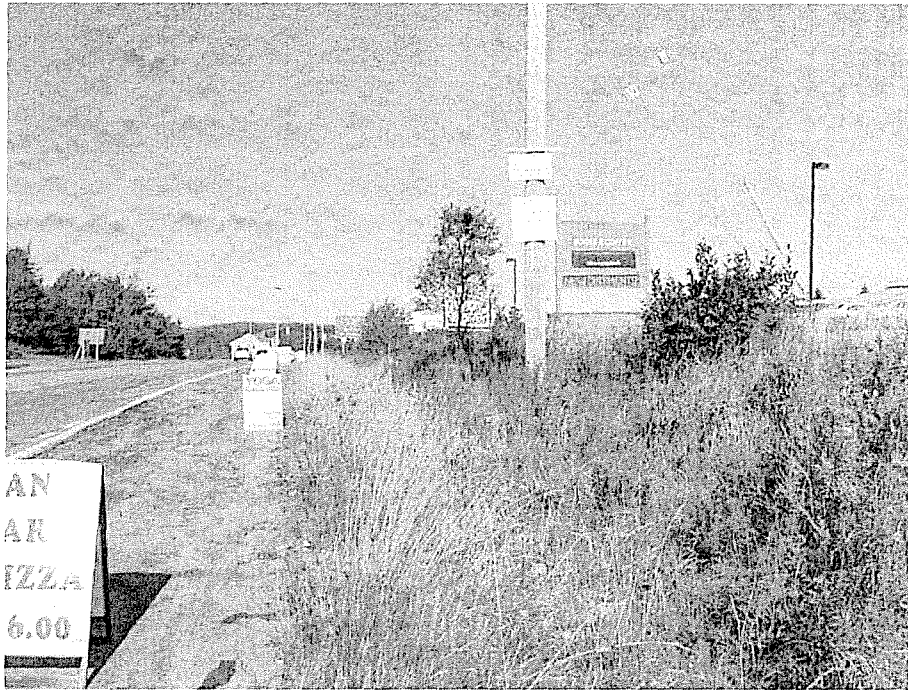
(5) Where any part of a highway becomes subject to a by-law, no regulation made under Section 49 applies to it and any licences issued under any such regulation cease to have any force or effect.

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

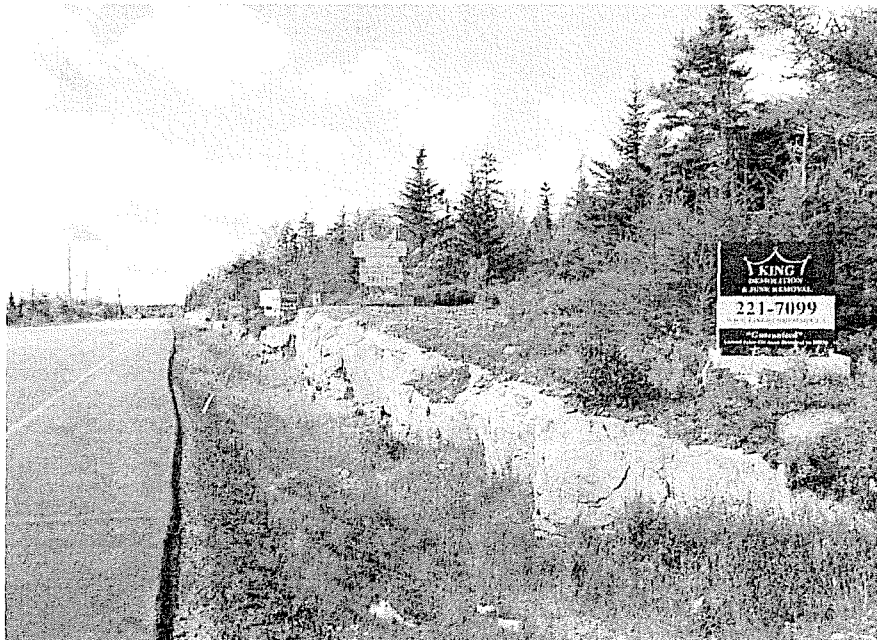
(7) For greater certainty,

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

ATTACHMENT 3 – Signage Photos Highway 333 & Highway 3



Signage along Highway 3 at Highway 333 Intersection



Signage along Highway 333 Prospect Road

ATTACHMENT 3 – Signage Photos Highway 333



Signage along Highway 333 Prospect Road



Signage along Highway 3 at Highway 333 Intersection

Item No. 11.5.1

**Halifax Regional Council
March 19, 2013**

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Councillor Jennifer Watts, Vice-Chair, Transportation Standing
Committee

DATE: March 5, 2013

SUBJECT: Options for Managing Advertising Signage Provincial Highway 333

ORIGIN

Transportation Standing Committee motion of February 28, 2013.

Regional Council motion January 24, 2012 – 10.1.1 Signage Management on Non-100 Series Provincial Highways.

LEGISLATIVE AUTHORITY

Community Control of Non-controlled-access Highway Advertising Amendment (2011) Act, Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the Public Highways Act: Section 49A (2), the Council of a Municipality may make a by-law prohibiting or regulating the erecting, maintaining, pasting, painting or exposing of advertisements upon any part of a (Provincial secondary) highway located within the Municipality and designated in the by-law.

RECOMMENDATION

The Transportation Standing Committee recommends that Halifax Regional Council approve "Option 1: Uniform Directional Signs", for managing advertising signage on Provincial Highway 333, as set out in the February 11, 2013 information report.

BACKGROUND

An information report "Options for Managing Advertising Signage Highway 333" was submitted to the Transportation Standing Committee for their February 28, 2013 meeting (Attachment A).

Refer to the February 11, 2013 information report (Attachment A) for further background on this initiative.

DISCUSSION

During the approval of the agenda, the information report was added to the agenda for discussion. Staff provided a presentation of the pilot program and options.

The Committee discussed the program and options, commenting as follows:

- A study was completed years ago by the Regional Development Association, with regard to uniformity of signage and community recognition signage on Highway 333. What happened to that study?
- Although the initial aim was for a cost neutral program and the staff report outlines an annual cost of \$106,000 taking into account enforcement, this is a good investment in the economic development of an area, and it is supported by the local community.
- That the staff report outlines that Council must determine the designated enforceable boundaries, to decide whether the enforceable area will include the entire length of Highway 333, or just to the Gateway intersections. A concern was noted with businesses simply moving the signs down the highway out of a designated area, commenting that enforcement will be an issue.

A member noted that he believed there to be a caveat in the enabling legislation that the Minister has the right to veto the decision of Council, and inquired whether staff have consulted with the current Minister on the options.

Staff advised that they have had conversations with representatives from Nova Scotia Transportation and Infrastructure Renewal. Mr. Mike Labrecque, Deputy CAO, indicated he would arrange to meet with the Deputy Minister on this matter to obtain feedback.

FINANCIAL IMPLICATIONS

Refer to the February 11, 2013 information report which outlines the financial implications associated with each of the three options.

COMMUNITY ENGAGEMENT

The Transportation Standing Committee is comprised of eight duly elected members of Regional Council. Meetings are held on a monthly basis and are open to the public (unless otherwise indicated). Agendas, reports and minutes are available on the HRM website.

Refer to the February 11, 2013 information report for information on community engagement specific to this initiative.

ALTERNATIVES

Council may choose not to approve "Option 1: Uniform Directional Signs" as recommended by the Transportation Standing Committee or choose to approve another of the three options outlined in the February 11, 2013 information report. Council may also choose to maintain the status quo, this is not recommended.

ATTACHMENTS

Attachment A: Information report dated February 11, 2013 "Options for Managing Advertising Signage Highway 333"

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.

Report Prepared by: Jennifer Weagle, Legislative Assistant, 490-6517



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

**Transportation Standing Committee
February 28th 2013**

TO: Chair and Members of the Transportation Standing Committee
Original Signed

SUBMITTED BY: Jane Fraser, Director, Planning & Infrastructure

Original Signed
Ken Reashor, P.Eng., Director, Transportation & Public Works

Original Signed
Brad Anguish, Director, Community & Recreation Services

DATE: February 11th 2013

SUBJECT: Options for Managing Advertising Signage Provincial Highway 333

INFORMATION REPORT

ORIGIN

Regional Council Motion January 24, 2012, 10.1.1 - Signage Management on Non-100 Series Provincial Highways.

LEGISLATIVE AUTHORITY

Community Control of Non-controlled-access Highway Advertising Amendment (2011) Act, Chapter 371 of the Revised Statutes of Nova Scotia, 1989, the *Public Highways Act*: Section 49A (2), the Council of a Municipality may make a by-law prohibiting or regulating the erecting, maintaining, pasting, painting or exposing of advertisements upon any part of a (Provincial secondary) highway located within the Municipality and designated in the by-law.

BACKGROUND

MOVED by Councillor Rankin, seconded by Councillor Sloane, that Halifax Regional Council:

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

In January of 2012, Regional Council directed staff to develop a by-law and program to regulate advertising signs on Provincial secondary roads using Provincial Highway 333 as a pilot program. This was enabled through a 2011 amendment to the *Public Highways Act* allowing municipalities to adopt a by-law to regulate or prohibit advertising signage on non-100 series highways. A key objective for this initiative, as identified in the financial implications section of the 2012 Regional Council report, is to develop a cost neutral or cost-limited solution. In order to fully understand the cost-benefits associated with regulating signage on Provincial roadways, Council has chosen to move forward with a pilot approach. This will allow for a solution that is sustainable (affordable) and manageable over the long-term.

Sign clutter on secondary highways has been a long-standing issue for the Provincial Government. Provincial staff efforts in 2001 to manage advertising signage through a proposed uniform directional signage program, was not successful. The proposed program was never implemented and advertising sign regulations under the Public Highways Act have not been enforced on secondary roads.

Today, there are hundreds of unauthorized signs along the Provincial Highway 333 near Exhibition Park and Tantallon near the Highway 333 (Highway 3 intersection). A look at Google imaging from 2009, as compared to on-site data gathered in 2012, shows that the number of signs has more than doubled along the Prospect Road and by up to fifty percent near the Tantallon crossroads (Attachments 1&2).

The St. Margaret's Bay Regional Tourism Development Association, local Councillors and community and business representatives, have been working with staff to develop an effective regulatory and program solution for Council's consideration. This advisory committee and staff have investigated the signage issue in the pilot area and examined best practices and approaches in other jurisdictions. This work has led to the identification of three program options for how Council might address the management of advertising signage on Provincial roads. The information in this report has also been shaped by input from a public meeting held in July, 2012, (Attachment 3) and ongoing discussion with the Community Advisory Committee.

DISCUSSION

Staff are seeking direction from the Transportation Standing Committee before proceeding further with funding approvals, and subsequent drafting of the proposed by-law and program. This direction will allow staff to continue with the development of a budget, sign by-law and implementation program for Council's consideration in the 2013/14 fiscal year.

Program Objectives:

Following Council's initiation of this process, a public meeting was held to determine the level of support in the community for a regulated signage program and to help shape program objectives.

This consultation resulted in the identification of four key Objectives:



These objectives reflect the communities desire to address the signage issue in a balanced and sustainable way. Residents and businesses alike, support a regulated approach paired with an effective enforcement program. The objective to clean up the roadway and address traffic safety is primary, however, people also recognize the role that signage plays in supporting community economic development.

Current Sign Regulation in HRM:

There are two levels of sign regulation in HRM. On Provincial secondary roads, including Highway 333, advertising sign regulations under the *Public Highways Act Section 49* permit signs with standards for location and size. The aim of these regulations as stated under the Act, are to:

- a.) manage private advertising signage in a safe and equitable manner;
- b.) provide useful and accurate information to travellers; and
- c.) preserve and enhance the beauty of the countryside.

The regulations enable the Minister, or the Minister's designate, to remove non-compliant signs within 10 days following a written request to the sign owner. These regulations are not enforced and no permits have been issued for signs on the Provincial Highway 333 and surrounding rural roadways.

Sign regulations for Municipal roads fall under HRM's By-Law S-800, Temporary Sign By-Law. No advertising signs are permitted within the Municipal road Right-of-Way with the exception of sandwich board signs in the urban core.

Provincial Engagement:

HRM Staff have engaged with the Provincial Department of Transportation and Infrastructure Renewal to communicate HRM's objectives and to address questions around future implementation. This has included discussion regarding future enforcement for Provincial advertising signage regulations. Provincial staff have stated that future enforcement of Provincial regulations (outside of the HRM designated areas) is not likely. This will have a direct impact on the scope of area that HRM will need to consider under the proposed by-law. Without Provincial enforcement of the entire "loop" of highway 333, the issue will not be addressed as sign clutter will simply move to the next neighbourhood.

Questions regarding other implementation mechanisms that might be used, such as putting licensing standards under an administrative order, have also been raised by the community advisory committee (including council representatives on that group) and by managers in CRS and TPW responsible for ROW services and Municipal Compliance. The key objective here is to allow for administrative flexibility and Council control to adjust and revise sign standards as needed without needing ministerial approval for each amendment. Discussions with the Province indicate that the only mechanism available to HRM is a by-law, unless an amendment to the *Public Highways Act* was approved to enable other tools.

SIGNAGE PROGRAM OPTIONS:

| | Option 1: Uniform Directional Signs <i>Tourism and/or Business-Oriented</i> | Option 2: Promotional Advertising Signs | Option 3: No Signs |
|--------------------|---|---|--|
| Description | <ul style="list-style-type: none"> • System of signs in designated zones • Uniform blue and white format • Signs installed and managed by HRM • Enforced through Sign By-Law (SOT) • Multi-year or annual license fee • Existing signs phased out/removed • Enforcement regime and administration • Provincial ROW permits required | <ul style="list-style-type: none"> • Location, size and eligibility standards under By-Law • Signs owned and installed by business/organization • Provincial ROW permits required as part of licence • Multi-year or annual license fee • Maintenance fee would occur under this option • Enforced through by-law, SOT for non-compliance • Non-compliant signs would be removed following communication with sign | <ul style="list-style-type: none"> • Sign management zones designated under By-Law • No promotional/advertising signs or directional signs would be permitted • All existing signs would be phased out/removed SOT • Provincial sign regulations apply outside By-Law area • Regular enforcement regime or complaint-driven process • Monitoring or stewardship role for community |

**Options for Managing Advertising Signage
Provincial Highway 333
Standing Committee Report**

- 5 -

February 28, 2013

| | | | | | | |
|--|---|---|--|---|--|--|
| | | | owners subject to the time-lines and other conditions under the proposed by-law. | | | |
| Cost Estimates <i>(high level)</i> | <u>Start-up Costs</u> Business development & technical/IT Engineering & design Sign construction & install (per sign) START-UP TOTAL Annual Costs: <u>Area 1 - Gateways only:</u> admin & enforcement (licensing, site-monitoring, sign removal, legal, storage) <u>Area 2 - Full length of Highway:</u> admin & enforcement <u>Revenue:</u> License fees can be structured to off-set sign maintenance costs | \$80,000 \$20,000 \$1500 - \$2500 \$102,500 \$20,000 - 25% FTE (Full-time employee) \$95,000 1.25 FTE (\$9,000) | <u>Start-up Costs</u> Business development & technical/IT START-UP TOTAL Annual Costs: <u>Area 1 - Gateways only:</u> admin & enforcement (licensing, site-monitoring, sign removal, legal, storage) <u>Area 2 - Full length of Highway:</u> admin & enforcement <u>Revenue:</u> License fees can be structured to off-set admin costs | \$80,000 \$80,000 \$40,000 - 50% FTE \$115,000 1.5 FTE (\$10,000) | <u>Start-up Costs</u> Business Dev./IT (business analysis and IT systems set-up for licensing) START-UP TOTAL Annual Costs: <u>Area 1 - Gateways only:</u> admin & enforcement (site-monitoring, sign removal, legal, storage) <u>Area 2 - Full length of Highway:</u> admin & enforcement <u>Revenue:</u> No fees/cost recovery | \$50,000 \$50,000 \$20,000 - 25% of FTE \$95,000 25% of FTE |
| | NET ANNUAL COSTS | \$106,000 | NET ANNUAL COSTS | \$145,000 | NET ANNUAL COSTS | \$115,000 |
| Analysis | Option 1 Uniform Directional Signs: This option has the highest cost-benefit ratio. Environmental, economic, and safety objectives can be achieved through a series of signs installed and managed by HRM. Municipal control over the fabrication and maintenance of signs, lowers "quality-control" issues and lowers site monitoring efforts for sign licensing. There are more positive economic spin-offs for businesses participating in the program and for the larger community with this option as compared to the other two. | | Option 2 Promotional Advertising Signs : This option can achieve some degree of environmental, economic development and safety objectives. However, it would be a compromised effort as sign clutter could still be a problem (albeit to a lesser degree than the current situation). Promotional advertising in the public ROW is not supported by best practice. This option is more costly than Option 1 because of the extra effort required to enforce the by-law standards. Each application would require on-site inspection as part of the license process. Because signs would be owned and maintained by individuals, "quality-control" issues would be higher. Although revenue would be highest with this option (more signs/more fees), overall | | Option 3 No Signs: This option has the lowest cost-benefit ratio. Although this option would best achieve environmental objectives, it removes signage completely within the public ROW as a means of supporting economic development. This prohibitive approach could be challenging to implement from a legal stand-point (Charter of Rights & Freedoms). Community and business support would be lower with a no-signs approach. | |

| | | |
|----------------|--|--|
| | implementation costs are highest. | |
| Considerations | <ol style="list-style-type: none">1. If the by-law area only applies to the gateway sections of the Highway, sign clutter will spread to abutting neighbourhoods where no Provincial or HRM enforcement would apply;2. HRM Temporary Sign By-Law S-800, does not permit advertising signs on Municipal Roads;3. All options require a service-level enhancement to administer and additional staff resources;4. No Signs approach could be challenged under the Charter of Rights & Freedoms (freedom of expression);5. Uniform Directional Signs approach most supported by best practice and community stakeholders. | |

Designating the enforceable boundaries:

Council must determine whether the by-law shall apply to the entire length of the Provincial Highway 333, or just to designated signage management zones near the gateway intersections (where current sign clutter is most prevalent). Possible "signage management zones" have been identified on the maps (Attachment 1&2) to indicate varying levels of by-law enforcement.

Council could choose to only designate the gateway portions of the Highway indicated on the Map as "Controlled Sign Placement Area 1", in which case any sign standards and enforcement (i.e. removal of unauthorized signs) would be limited to that portion of the highway. Council would not have the authority to enforce sign removal in any other areas. Alternatively, Council can apply the By-Law to the full length of the Highway to enable enforcement in all communities along the Highway.

The two potential zones illustrated on the attached maps could have different standards for sign placement. For example, "Controlled Sign Placement Area 1" could be a permitted zone for primary directional and "assurance" signs, whereas "Controlled Sign Placement Area 2" could be a "no signs" or "limited signs" zone, which would be enforced for sign removal.

FINANCIAL IMPLICATIONS

There are multi-year financial implications associated with each of the three options. A cost-neutral or cost-limited solution is not possible when enforcement and administrative service level requirements are considered. Where license fees can be collected (Option 1 & 2), some degree of cost recovery can be achieved. However, in order for a licensing regime to work, the fee structure must be manageable for the licensee.

The results of staff's work to date have concluded that delivery of a signage program which can effectively address the key objectives – environmental, economic, safety, and implementation, requires a new level of service delivery and supporting, multi-year financial resources. This financial requirement will be fully developed through a detailed operating budget as part of the draft sign by-law and final recommendation to Council for fiscal year 2013/14.

COMMUNITY ENGAGEMENT

A community advisory committee was formed in April 2012, to work with staff to develop an appropriate signage program and by-law for Council's consideration. This Committee includes representation from local Councillors, St. Margaret's Bay Regional Tourism Development Association, St Margaret's Bay Stewardship Association, local business, and the Prospect Community Centre. A public meeting was also held in July 2012, to get input from the community on overall program objectives and issues and opportunities associated with the proposed by-law.

ENVIRONMENTAL IMPLICATIONS

There are no natural environmental implications associated with this report. There are, however, positive implications with respect to environmental aesthetics. The current aesthetic problems associated with sign clutter would be eliminated or significantly reduced, depending on the option Council chooses. The scenic beauty found along the Provincial Highway 333 route would be protected and enhanced through appropriate advertising sign regulations.

ATTACHMENTS

Attachment 1: Map 1 – Signage Area Highway 333 Prospect Road
Attachment 2: Map 2 – Signage Area Highway 333 Tantallon
Attachment 3: Public Meeting Notes

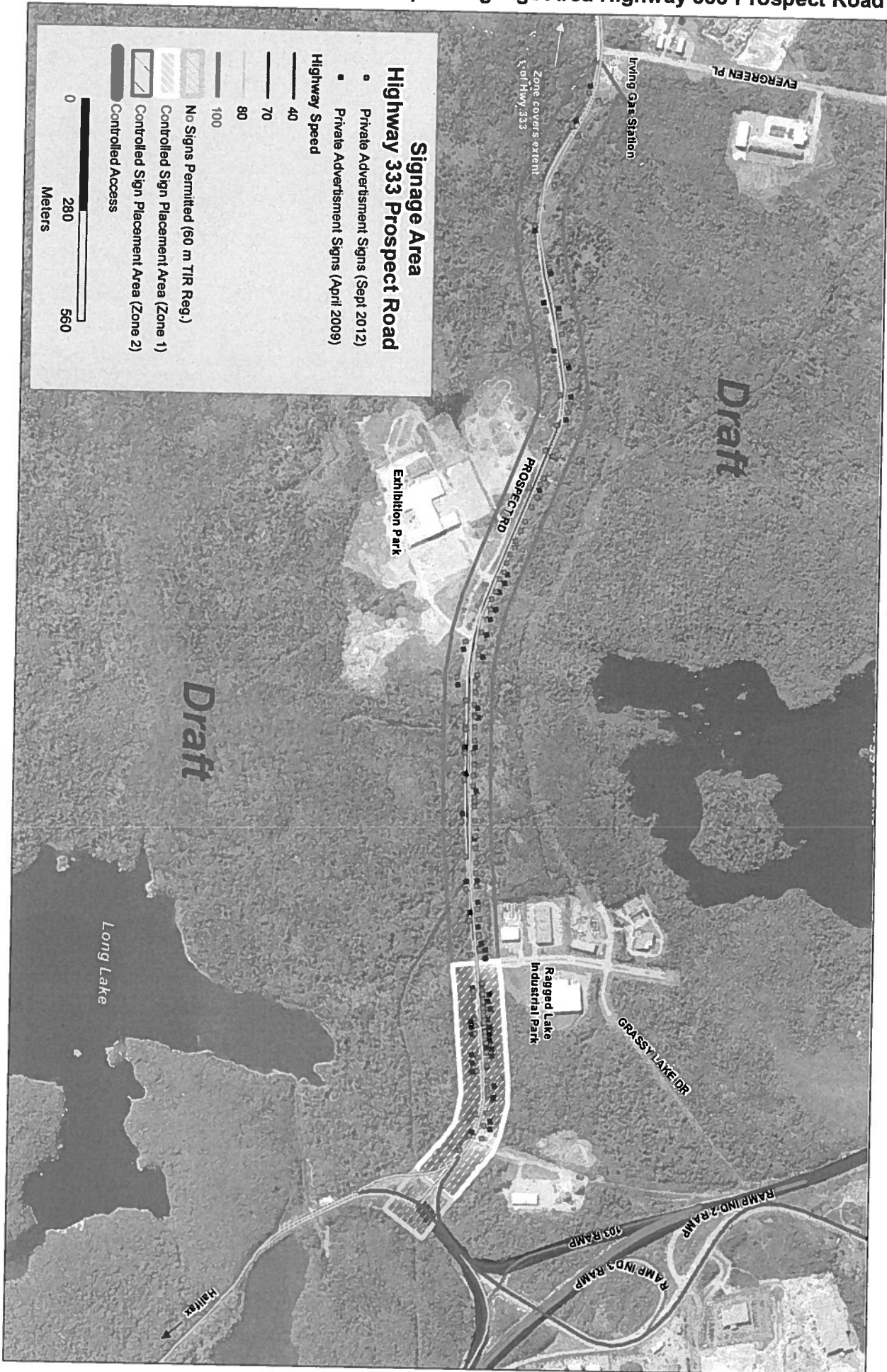
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

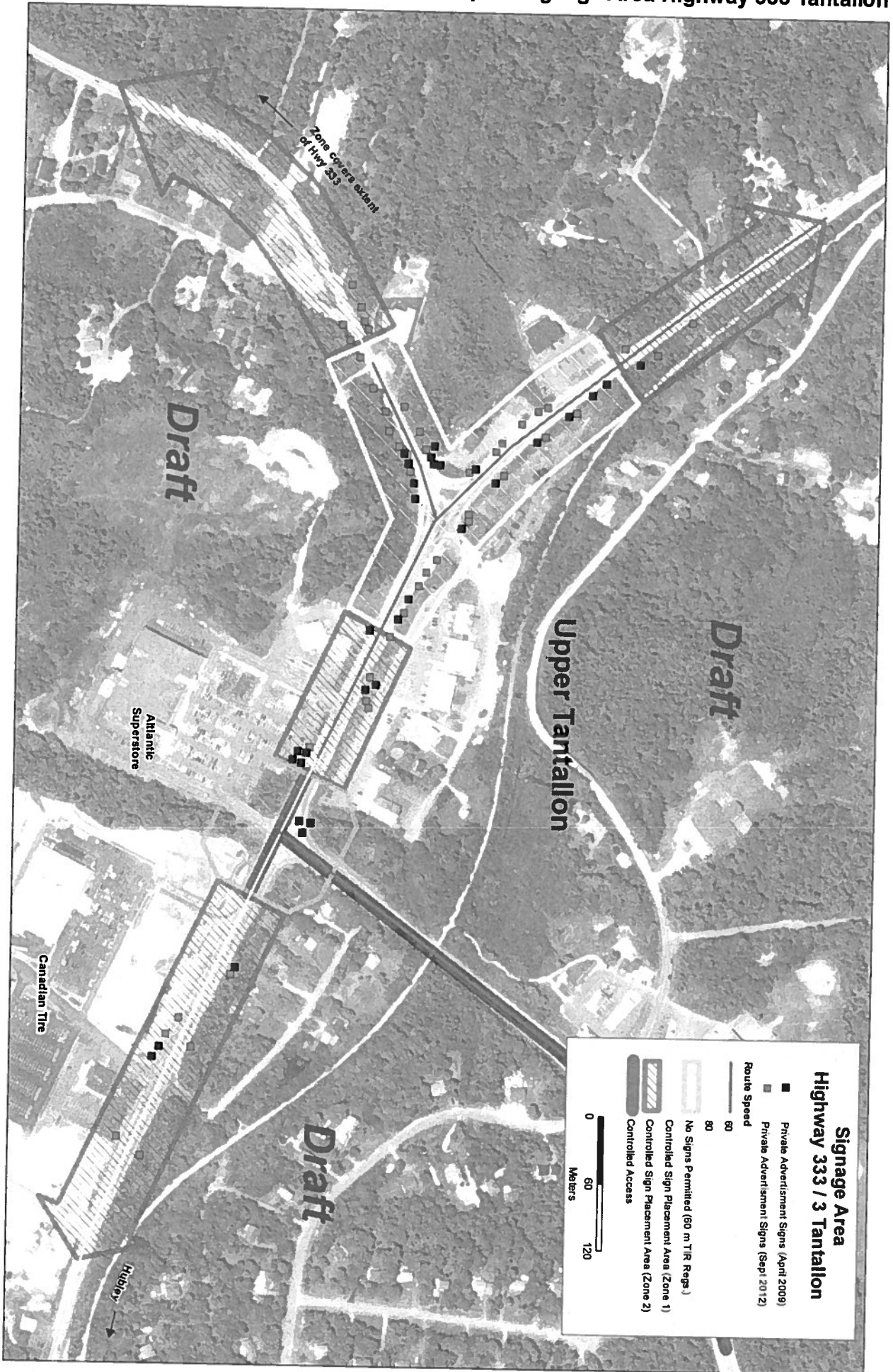
Report Prepared by: Holly Richardson, Coordinator, Real Property Policy 490-6889

Report Approved by: Original Signed
Peter Stickings, Manager, Real Estate & Land Management 490-7129

Report Approved by: Original Signed
Taso Koutroulakis, Acting Manager, Traffic & Right-of-Way Services 490-4816

Report Approved by: Original Signed
Jim Donovan, Manager, Municipal Compliance 490-6224





PUBLIC MEETING NOTES

Managing Advertising Signage on Provincial Secondary Roads
Highway 333 Pilot - Peggy's Cove Gateways

PUBLIC MEETING

July 19th 2012

Tantallon Public Library

Following a Presentation by HRM staff the following questions were explored:

- 1.) What are the most important elements of a signage program?
- 2.) Are there any challenges in implementing a signage program? How can the challenges be addressed?
- 3.) What is the best role for the community in implementing a signage program?

DISCUSSION*:

**HRM responses are in italics.*

How will this proposed by-law relate to existing HRM temporary signage by-law?

The proposed by-law will not affect HRM's signage regulations. It is separate and will apply only to specific, identified sign management areas at the two identified Peggy's Cove gateways at Tantallon and Prospect.

The pilot project will apply to advertising signs within the Provincial Road ROW at these two locations. These two signage management zones would permit signs according to the standards under the new sign by-law. Enforcement outside of these zones will fall to the Province under the Provincial Highways Act and to HRM under the Temporary Sign by-law (for Municipal roads).

HRM does not allow signage on controlled road ROW's although there is some allowance for temporary sandwich board signs to be placed directly in front of the business. This includes Hammonds Plains Road, a Municipal road since 2006. HRM permits and regulates signage on private property. Signs must be located directly in front of the business.

ATTACHMENT 3

The by-law would allow businesses to install directional signage (at the gateways).

Sandwich boards on secondary roads are not effective as the driver needs to slow down to actually read them. They are more effective for pedestrians in urban areas.

One resident counted 9 signs on power poles and 11 additional signs in the vicinity of Redmond's Hardware. Are the sandwich boards on Hammonds Plains Road here allowed? *Yes, if they hold a permit and meet all regulatory requirements.*

Many of us in the community, including businesses, are in favour of doing something about "signage pollution". Community has been concerned about this for a long time. Suggestion was made to not allow signage on roads abutting open water, where scenic views would be affected.

When considering boundaries let's consider extending to Exit 5 at highway 103, otherwise we will simply move the problem. There is also a serious safety issue, because of the numerous signs, on the stretch between the 213 and 333.

The legislation does enable Municipalities to adopt By-laws for all secondary roads, however, HRM is only looking at the two identified pilot areas. The program has to be sustainable and affordable for the Municipality to manage and enforce. However, the role of the Province in enforcing existing signage standards along secondary roads (all roads outside of the two zones) is important. HRM and the Province must work together on this. With respect to the Tantallon area we will need to look closely at where the boundaries of the zone should fall so that the core problem and opportunity areas are addressed. We may need to look at a larger zone here.

There has been a long history of work by TIANS to find a solution to sign clutter. After three years a Provincial Plan was drafted (2001 TIANS report) but rejected following adversity from some businesses and politicians. We feel that DOT refused to get involved in enforcement so the Plan never got off the ground. We now have another opportunity to do something. Residents and tourists are "put out" by sign clutter. Even businesses are not happy and want better. We need to understand the purpose of these signs – are they even effective?

Signs should provide directions to drivers and not be used for promotional advertising. The purpose needs to be directional. Suggestion was made that QR (quick response) codes are being used more and more to link people to digital info quickly. *Could this be an opportunity? Maybe something the tourism association and Chamber could explore further?*

Some feel that the importance of signs has decreased due to the internet. Others feel that signs are still important and that drivers (including tour buses) still rely on (directional) signage.

There are businesses that need signs such as retail shops and tourism businesses. However, we need design, location, and overall permitting parameters. It can no longer be a "free-for-all". Bluenose Accounting estimates that 25% of their business comes from signage and supports new regulations to support signage on private property (if it's designed well). Strongly in support of design guidelines consistent with a "Village" feel. HRM should also consider allowing pylon

ATTACHMENT 3

signs in the Tantallon area. HRM should be reviewing standards for all signs (in HRM ROW and on private property) to enable businesses to advertise and stay viable.

Most businesses in the room (and tourism and chamber group) are in favour of standardized signage on the roadway. It creates an equal playing field and makes the rules clear.

We need to consider that drivers are coming from two possible directions (Prospect and Tantallon). Does this mean two signs per business? What about a maximum distance for directional signs. *Is it 15 kms 25 kms 35 kms?*

How will we restrict signs on the larger 333 loop? *There will be a need for the Province to do its part to enforce non-compliant signs. HRM will be responsible for managing signs in the two designated zones. By providing a legal option for signage in the ROW the hope is that businesses will not continue to put up illegal signs.*

Some businesses will object to change and others can't afford to make changes. The goal should be to have broad and collective community support for a signage plan. It comes down to businesses wanting to attract business and a signage program that can enable that. Communication with businesses will be important early on and throughout the program's implementation.

Signs are still very important to many businesses. Community way-finding signage should also be considered. This is something that the Tourism association and Chamber might consider longer-term.

Community branding to promote a "look-and-feel" for the Village has been proposed through the HRM Tantallon Visioning project. Bluenose Coast Tourism group has also developed a branding and visual image strategy which is being rolled out in Chester. Portraying a positive and cohesive "image" for the community is important.

What about the question of tourism signs versus general business signs?

Most businesses on the loop - estimate 70% - are tourism-related. Defining what businesses serve tourists and which don't can be difficult. Many feel that allowing only tourism businesses only is too exclusionary and not in keeping with what the community wants. The main concern is that we have good standards.

Tourism directional signage is the most widely accepted and universal sign standard used by communities across North America. However, discussions to date between HRM staff and the ad-hoc stakeholder committee have shown support for a broader business-oriented directional signage program. Making the call as to what is "tourism-related" puts subjectivity into the regulation which is probably not where we want to go. The by-law should have clear standards and requirements and be free from judgement calls.

Will non-profit organizations and churches (for example) be permitted to have signs?

This is something that will need to be explored further but if the organization (or attraction for that matter) needs directional signage then it makes sense that it would be permitted.

What about the question of directional signs versus promotional signs?

Signs should be directional and that should be their core function. Roger Brooks, contracted by the Bluenose Coast Tourism group, and universal best practice, says that wording, messaging, colors, etc. should be clear and concise – business or organization's name, directional arrow and distance/kms.

Most in the room feel that signs should be directional for local businesses not promotional signs. This would exclude some of the existing businesses who are advertising on these roads but most would be permitted.

Will we have separate signs for each business or one standard with 4-5 businesses on it?

One standard with consistent color, lettering, etc. is the norm for communities and cities who implement uniform directional signage programs. Otherwise we are talking about non-uniform promotional advertising signage.

Will signs be on both sides of the road at the Tantallon intersection(s)? *All of the logistics and parameters around design, installation, location, etc. will need to be explored through the By-law. We will consider having further focussed consultation with business owners to work through some of these parameters.*

Is promotional signage (including non-local businesses) a legitimate use of the road ROW?

Promotion is a big kettle of fish, however, there is a strong argument against permitting promotional advertising signs and lots of precedent from other cities and communities.

Majority feel that business-oriented directional signage is a better option and would be more widely supported. We want this program to be positive for the community and for business. *This is not about prohibiting, it's about permitting functional, well-designed signs.*

In terms of universal design standards could we have more than one standard, for example colors and/or symbols to decipher between tourist and other business? *Maybe we could have a different standard for seasonal business versus year-round operations. Yes, we can explore these options.*

On the other hand, too much uniformity can create a boring landscape. It might also be good to allow for some creativity in design and business branding like logos.

Can we consider a site for a group sign kiosk in an area where drivers can pull over to get their bearings? *The Bluenose Coast Tourism alliance has completed a marketing assessment with funding from the NS Government which looks at wayfinding, among other tools, to increase tourism benefits for communities along the south shore:*

<http://www.baychamber.ca/home/content/view/87/47/>

What are the implementation challenges?

The program needs to be affordable including for the business owner. Permit fees are reasonable but they must be affordable. Businesses need an incentive to support this.

Management and enforcement will fall to HRM. The funds to deliver the program will need to come largely from permitting fees. HRM will not be hiring more by-law officers to focus on signage and it is unlikely that the Province has resources. Therefore, we need to be realistic about what we can achieve. Designated sign zones can be manageable.

We need to consider maintenance issues such as graffiti and overall sign upkeep. HRM Vending by-law requires businesses to remove graffiti in three days. Some jurisdictions charge a small annual maintenance fee.

Probably everyone here would support a well-managed signage program but not everyone is here tonight. There will always be those who don't follow the rules. Enforcement needs to be in place to deliver the message that non-compliant signs will be removed.

Enforcement also needs to be efficient so that non-compliance is dealt with in a timely manner. If businesses don't feel that any consequences will follow they will continue with status quo. No point in developing any by-law if we can't manage it. We need a "carrot" to assist with implementation and compliance. What will make this attractive for business owners? Can there be assistance with on-line marketing or a central signage and information kiosk?

There is some concern that the area outside of the two management zones will become more cluttered with signs. How will we address this spin-off effect?

There is a general concern that HRM will not have the resources to manage this. Comment was made that the existing "Welcome to our Community" signs are a mess.

Is there a supporting role for the community? The community could have a "watch-dog" kind of role to monitor and communicate which would assist HRM (and the Province) in enforcement efforts. *An appropriate partnership between HRM and the community will be considered.*

Communication to the business community during the launch of the program and ongoing throughout its implementation will be important. People need to know what's happening and feel interested in supporting it.

This is a community issue that needs a community-driven solution. At the end of the day, if community and business don't support it we won't have the impact we want. Enforcement only goes so far. The enforcement of many of HRM's current by-laws is complaint driven. This is a more reactive result. We would like to have a more pro-active program where businesses "buy-in" to the program and ultimately benefit from it through better signs and a more positive community image.

When does a pilot not be a pilot, in other words, how committed is HRM to this over time?

Council has committed to exploring the highway signage issue by looking at the two gateway areas. These have been identified as priority areas largely because of the ongoing work and advocacy of the community tourism and chamber groups who have been working on this for several years. Managing (and permitting) signage on Provincial roadways is certainly an uncharted territory for the Municipality. The resulting program needs to be addressed strategically so that implementation is affordable and sustainable.

It can be reasonably assumed that the By-law will be subject to tweaking over time. For example, should the boundaries or the standards need to be changed it could be done through administrative order (decision of HRM Council) as opposed to a public hearing.

Another thing we should keep in mind is that implementation will not happen overnight nor will compliance. It will take time to roll this program out and get the resources and processes in place to administer it. For example we will need to notify businesses and the community that changes will take place and allow a reasonable amount of time for businesses to remove non-compliant signs. Legally, there are processes and precedence that we need to consider in terms of notifying sign owners before removal or clean-up happens. This should be factored into our expectations. With this said, we are moving forward with the goal of having a by-law in place by end of year and program roll-out in the early part of next year.

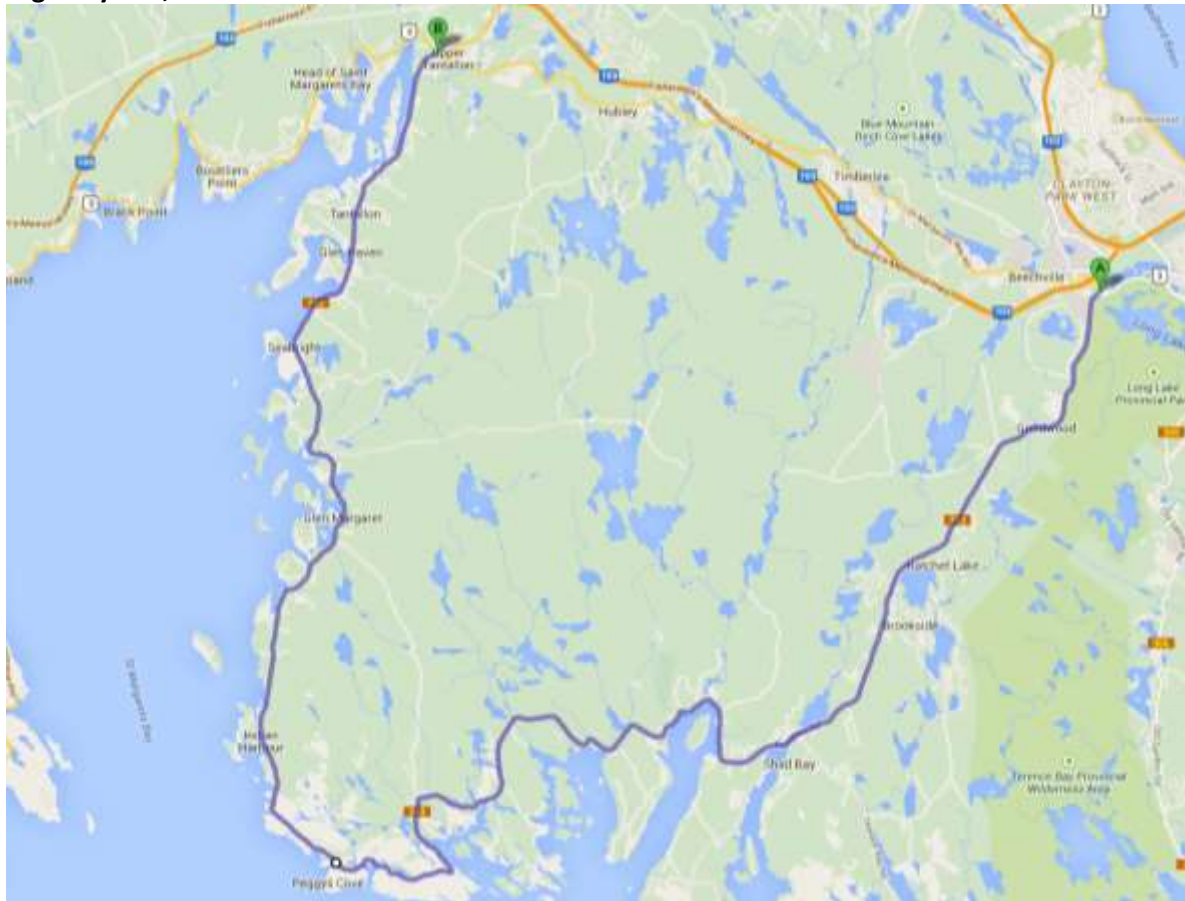


Attachment F

Typical Sign Layout

ATTACHMENT G – VISUAL REPRESENTATION OF PILOT AREA

Highway 333; All



Route 3; 500 meters from the intersection of Highway 333 and Route 3

