

HALIFAX

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Item No. 8.1
Halifax Regional Council
December 9, 2014
January 13, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: November 13, 2014

SUBJECT: Temporary Signs – By-law S-801 Amendments

Supplementary Report

ORIGIN

Motions 14.5 and 11.1.3, Regional Council, October 21, 2014

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VII, Section 188 including “The Council may make by-laws, for municipal purposes, respecting (a). (c) persons, activities and things in, on or near a public place or place that is open to the public;

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give second reading to adopt proposed By-law – S-801 – A By-law Respecting Licensing of Temporary Signs, as contained in Attachment A of this report, which will repeal and replace By-law S-800 – A Bylaw Respecting the Requirements for the Licensing of Temporary Signs; and
2. Adopt the proposed amendments to Administrative Order 15, as contained in Attachment B of this report.

BACKGROUND

At the Regional Council meeting on October 21st, 2014, the following Motion from the in camera session was ratified:

(14.5) That Halifax Regional Council rescind the April 15, 2014 amendment to By-law S-801, the Temporary Signs By-law, respecting a prohibition on the placement of municipal election Signs between the sidewalk and the street curb during municipal elections

And, not release the September 30, 2014 Private and Confidential staff report to the public.

Also at the Regional Council meeting on October 21st, 2014, the following Motion was passed in order to reflect the Motion as amended by the repeal.

(11.1.3) That Halifax Regional Council give first reading and schedule a public hearing to consider the adoption of the proposed By-law – S-801 – A By-law Respecting Licensing of Temporary Signs, as contained in Attachment C of the supplementary staff report dated October 10, 2014 to replace By-law S-800 – A Bylaw Respecting the Requirements for the Licensing of Temporary Signs, as amended.

DISCUSSION

The attached version of By-law S-801, as outlined in Attachment A of this report reflects the amendments request by Council.

Attachment B of this report reflects the proposed amendments to Administrative Order No. 15, as provided to Regional Council in the supplementary staff report dated October 10, 2014, which are required to accompany the adoption of By-law S-801.

FINANCIAL IMPLICATIONS

The amendment does not have any financial implications.

COMMUNITY ENGAGEMENT

No additional engagement was required on the proposed amendment.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

There are no recommended alternatives.

ATTACHMENTS

Attachment A – Proposed By-law S-801

Attachment B- Proposed Amendments to Administrative Order No. 15 provided as Attachment E of Supplementary Report dated October 10, 2014

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.

Report Prepared by: Christopher Davis, P.Eng., Supervisor, Right of Way Services, 902.490.7462

Original Signed

Report Approved by: _____
Taso Koutroulakis, P.Eng., Manager, Traffic Management, 902.490.4816



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) “Kiosk” means a structure placed on a street within the Municipality for the purpose of posting posters;
 - (o) “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;
 - (p) “Light Standard Banner” means a banner mounted on a light standard located entirely on private property;
 - (q) “Light Standard Sign” means a rigid temporary sign mounted on a light standard located entirely on private property;
 - (r) “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;
 - (s) “Multiple Resident Sign” means a temporary sign used to advertise leasehold vacancies in buildings with dwelling units;
 - (t) “Municipality” means the Halifax Regional Municipality and HRM;
 - (u) “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;

- (v) “Off-Site Sign” means a temporary sign erected and maintained by a person, firm, corporation or business which is intended for display at any location other than the location at which the goods or services advertised are made, manufactured, provided, sold or offered for sale;
- (w) “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;

- (x) “Peace Officer” means a police officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;
- (y) “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;
- (z) “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;
- (aa) “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;
- (bb) “Poster” means a sign of non-rigid material that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public;
- (cc) “Poster Collar” means a structure installed on a utility pole or other structure for the purpose of posting posters;
- (dd) “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;
- (ee) “Rigid” means a sign face of solid material designed to maintain a flat shape and includes plywood, plastic corrugate, heavy weight cardboard or metal;
- (ff) “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;

- (gg) “Short Term Event” means an event not exceeding seven (7) calendar days;
- (hh) “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;
- (ii) “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;
- (jj) “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;
- (kk) “Sign License” means a temporary sign license issued under this By-law for the legal placement of a sign;
- (ll) “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;
- (mm) “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, Posters, Election Signs, and Third Party Signs as defined herein, and all other signs which are not permanent;
- (nn) “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 premises 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; and
- (oo) “Utility Pole” means a pole installed on a street by the Municipality or a public utility and includes a decorative lamp post, streetlight pole and traffic control signal pole but does not include a privately owned pole.

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(6) 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;
- (h) payment of fees according to the provisions of Administrative Order No. 15, excepting fees shall be waived for community events;
- (i) 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

7

- (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) Unless otherwise provided for in this By-law, 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(7).
- (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(7).
- (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 shall not exceed a maximum of ten percent coverage of the building wall;
 - (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) on a street where there is an existing curb, be set back a minimum of 4.6 metres (15 feet) from the inside of the curb;
 - (ii) on a street where there is no curb, be located no closer than 7.0 metres (23 feet) from the edge of the pavement or travelled way; and
 - (iii) 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; and
 - (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) on a street where there is an existing curb, be set back a minimum of 4.6 metres (15 feet) from the inside of the curb;
 - (ii) on a street where there is no curb, be located no closer than 7.0 metres (23 feet) from the edge of the pavement or travelled way; and
 - (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.

Multiple Resident Signs

- (5) A Sign License for a Multiple Resident Sign may be issued for a period of thirty (30) days twice per year provided that:
- (a) it is on private property;
 - (b) it does not exceed 3.0 metres (10 feet) in height;
 - (c) it is sited as required under this By-law;
 - (d) only one sign per property per street frontage is employed;
 - (e) it advertises the rental of units only on the property for which the license has been issued;
 - (f) it is not located within the daylighting triangle for corner lots;

- (g) it is not used in conjunction with a Short Term Event Sign;
- (h) there is a minimum separation distance of 20 feet from any other sign on the property; and
- (i) it is for an apartment building containing more than 50 units.

Off-Site Signs

- (6) An off-site sign:
 - (a) may be licensed for a commercial enterprise subject to the approval of the required application and submission of the prescribed fee;
 - (b) shall be a box sign or mobile sign and placed in accordance with subsection 12(3) or (4);
 - (c) shall be permitted on a vacant lot only, such lot being owned by the person placing the sign; and
 - (d) is located on a lot which directly abuts or is directly across a street from the lot containing the business.

Signs for Community Events

- (7) A Sign License for a sign advertising a Community Event, other than a license for box signs under subsection 12(4), 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 sign types placed on private property subject to the conditions set out for each sign type.

Sandwich Board

- (1) A Sign License for a Sandwich Board 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; and
- (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.

Light Standard Signs and Banners

- (3) A Sign License for Light Standard Signs or Light Standard Banners is not required provided that such signs and banners do not exceed 0.56 square metres (6 square feet) per surface.

13A For greater certainty, a Sign License is not available for sandwich boards, short term event signs, light standard signs or light standards banners placed on private property that do not conform with the conditions for each sign type as set out in section 13.

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; and
- (7) the owner shall provide HRM with annual renewal Certificates Of Insurance and any notice of cancellation or material change.

Posters

16 A Poster that complies with this By-law may be erected or displayed without a license.

17 Except as authorized by By-law, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any poster on, over or to any structure or thing, located on property owned by the Municipality including but not limited to:

- (1) Parking meters,
- (2) Parking and traffic signs, including the vertical support posts,
- (3) Street litter disposal containers,
- (4) Newspaper boxes,
- (5) Traffic control devises and signal control boxes,
- (6) Trees,
- (7) Street furniture,
- (8) Bus shelters,
- (9) Bicycle racks,
- (10) Fire hydrants,
- (11) Post boxes,
- (12) Phone booths and call stations,
- (13) Switching cabinets,
- (14) Utility poles, and
- (15) Privately owned poles.

- 18** Despite Section 17, a person may erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed posters on a utility pole located on a street if:
- (1) the poster is no more than 28 centimetres by 43.5 centimetres (11 inches by 17 inches) in size;
 - (2) the poster consists only of lightweight cardboard or paper;
 - (3) the poster is securely attached flush to the surface of the utility pole using staples or removable tape and no other method of affixing the poster to the utility pole is used;
 - (4) the poster is placed no higher than two metres (6.5 feet) above the ground;
 - (5) the poster includes the date of posting on the front of the poster;
 - (6) the poster is displayed for not more than the earlier of:
 - (i) thirty days, or
 - (ii) five days after the end of the advertised event, if any;
 - (7) not more than one poster conveying essentially identical information is posted on the same utility pole;
 - (8) the poster faces towards the property fronting on the street and away from the portion of the street ordinarily used by vehicles; and
 - (9) the poster includes valid contact information for at least one owner of the poster.
- 19** In addition to the restrictions set out in Section 18, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, a poster:
- (1) on or within any traffic island or median;
 - (2) on a utility pole within 200 metres (656 feet) of a kiosk or poster collar;
 - (3) in such a manner as to:
 - (a) be a hazard or dangerous to vehicular or pedestrian traffic, as determined by the License Administrator or the Engineer,
 - (b) cause any damage to Municipal property, or
 - (c) become unsightly.
- 20** A poster shall be removed after the duration allowed in subsection 18(6) by the owner of the poster, or the authorized agent of such person.

- 21 The Municipality or the owner of the utility pole may, at any time and without notice, remove any poster from a utility pole in the course of periodic cleaning or maintenance operations.
- 22 The Municipality may, at any time and without notice, remove any poster that is displayed in contravention of this By-law.
- 23 A poster removed under sections 21 or 22 may be destroyed or otherwise disposed of by the Municipality or the owner of the utility pole without notice or compensation to any person who has an interest in the poster.

PART VI: ELECTION SIGNS

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

Placement of election signs in the Street Right of Way

- 27 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; and
 - (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

28 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.

29 Notwithstanding sections 37 and 39, a suspension pursuant to section 28(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 28(4).

Sign Removal

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

31 Notwithstanding sections 33(3) and 39, 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.

32 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.

33 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 28(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 28(3), within two (2) business days of being served with the Order.

Cost of Work

34 If the Council, a committee, the License Administrator or another employee of the HRM causes work to be done pursuant to sections 31, 33 or 40 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.

35 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

36

- (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

37

- (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 28, 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.

38 An appeal pursuant to section 37 shall be commenced by filing a written notice with the Municipal Clerk which clearly states the grounds for the appeal.

- 39** 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.
- 40** After hearing an appeal, the Appeals Committee may:
- (1) deny the appeal;
 - (2) allow the appeal and reverse the decision of the License Administrator; or
 - (3) make any decision the License Administrator could have made under this By-law.

Compliance with Order

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

PART VIII: PENALTY

Penalty

42

- (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.
- 43** Every day during which an offence pursuant to section 42 continues is a separate offence.

PART VIII: REPEAL AND EFFECTIVE DATE

Repeal of By-law

44 The following By-law is hereby repealed:

By-Law Number S-800

Effective date of By-law

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

Done and passed in Council this ____day of _____, 2014.

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 _____, 2014.

Cathy Mellett
Municipal Clerk

Attachment B
(Amending Administrative Order)

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 15**

RESPECTING LICENSE, PERMIT AND PROCESSING FEES

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

1. By repealing the table in section 15 of Schedule A and replacing it with a new table as follows:

By-law #	Short Title	Section	Fees
By-law S-801	By-law for Temporary Signs	5(3)(h)	
	Multiple Resident Signs		\$20.00 per license per Occasion
	Mobile Signs		\$30.00 per license per 30 day occasion
	Box signs		\$100.00 per license per year
	Banners		\$60.00 per license per occasion
	Sandwich Boards		\$80.00 per license per Year
	Inflatable Signs		\$30.00 per license
	Community Event Sign		\$20.00 per license